

Electronically filed on May 30, 2006

APPEAL BRIEF

Atty. Docket No. 30841-703.201

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application)	
)	Confirmation No.: 3033
Inventors: Katharine Russell, et al..)	
)	Art Unit: 3627
Application No.: 10/001,420)	
)	Examiner: Andrew J. Rudy
Filed: November 1, 2001)	
)	Customer No. 021971
Title: System and Method for Conducting Pet)	
Death, and Other Pet Related Transactions)	
Over a Computer Networks)	

APPELLANTS' BRIEF PURSUANT TO 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madame:

Appellants submit this brief in accordance with the provisions of 37 C.F.R. § 41.37 in response to the Final Rejection mailed December 29, 2005. Appellant's Notice of Appeal was filed March 29, 2006. The appeal was due on May 29, 2006 which was Memorial Day holiday. This Appeal Brief is therefore timely filed on the first business day following the holiday.

Please charge the fee required under 37 C.F.R. 41.20(b)(2) deposit account No. 23-2415.

I. REAL PARTY IN INTEREST (37 C.F.R. §41.37 (c)(1)(i))

The real party in interest is the assignee MyEtribute, Inc. by virtue of an assignment executed by the inventors. The assignment was recorded in the U.S. Patent and Trademark Office on May 7, 2002 at Reel/Frame 012880/0753.

II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. §41.37 (c)(1)(ii))

There are no related appeals or interferences.

III. STATUS OF CLAIMS (37 C.F.R. §41.37 (c)(1)(iii))

Claims 1, 4, 6-11 and 19-24 are pending. Claims 2, 3, and 5 are canceled and claims 12-18 are withdrawn.

Claims 1, 4, 6-11 and 19-24 are rejected under 35 U.S.C. § 112, first paragraph. Claims 1, 4, 6-11 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 6,105,008) in view of Johansen Jr., (US 6,785,938). Appellant appeals the rejections of claims 1, 4, 6-11 and 19-24.

IV. STATUS OF AMENDMENTS (37 C.F.R. §41.37 (c)(1)(iv))

Appellants submitted an amendment to claim 10 subsequent to the final rejection mailed 12/29/05. The proposed amendment would make claim 10 depend from dependent claim 6 instead of cancelled claim 5. Both claims 6 and 5 depend from independent claim 1. The Examiner did not enter the amendment stating that the amendment to claim 10 required "further search consideration." It is questioned how such an amendment could possibly involve a "further search consideration," assuming a complete search had been done on the first Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. §41.37 (c)(1)(v))

The published version of the application serial number 10/001,420 (US Patent Application Publication US 2002/0178079) is used for all references herein.

Independent claim 1 relates to a method of conducting pet death, or pet related transactions over the Internet by providing at least one computer server for starting a client session, sending a command to start a client program, receiving commands from a remote computer, passing commands to a software session, and transmitting data to a remote computer.

In addition, the computer server hosts one or more Internet web sites containing information and services related to the death of a pet and pet related information and services (paragraph [0036] and FIG. 1). Remote users are permitted to establish accounts and obtain information regarding or order pet death or pet related services from a plurality of associated sources and vendors (paragraphs [0016], [0036-0037] and [0043] and FIGs. 1, 1A and 11). Remote users are charged for obtaining information regarding or order pet death or pet related services from a plurality of associated sources and vendors via established accounts (paragraph [0039], and FIGs. 3, 5).

Independent claim 19 relates to a method of conducting pet-related transactions over the Internet by providing at least one computer server for starting a client session, sending a command to start a client program, receiving commands from a remote computer, passing commands to a software session, and transmitting data to a remote computer (paragraph [0036] and FIG. 1). A pet calculator is provided that prompts specific input from a remote user, analyzes the input, and provides results and feedback to the remote user based on the input (paragraphs [0040-0044]). There is also provided a pet selector that prompts specific input from a remote user, analyzes at least a portion of the input, and provides customized recommendations to the remote user (paragraphs 0046-0047). Remote users are permitted to establish accounts and obtain information regarding or order pet death or pet related services from a plurality of associated sources and vendors (paragraphs [0016], [0036-0037] and [0043] and FIGs. 1, 1A and 11). Remote users are charged for obtaining information regarding or order pet death or pet related services from a plurality of associated sources and vendors via established accounts (paragraph [0039], and FIGs. 3, 5).

Independent claim 21 provides a method of conducting transactions over the Internet related to commemorate the passing of a pet by providing at least one computer server for starting a client session, sending a command to start a client program, receiving commands from a remote computer, passing commands to a software session, and transmitting data to a remote computer (paragraph [0036] and FIG. 1). Remote users are permitted to establish accounts and obtain information or conduct transactions over the Internet related to commemorate the passing

of a pet from a plurality of associated sources and vendors (paragraphs [0016], [0036-0037] and [0043], FIGs. 1, 1A and 11 and Situational Examples 1 and 2 in paragraphs [0048 -0106]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. §41.37 (c)(1)(vi))

1. Whether claims 1, 4, 6-11 and 19-24 are properly rejected under 35 U.S.C. § 112, first paragraph.

2. Whether claims 1, 4, 6-11 and 19-24 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al., US 6,105,008 ("Davis") in view of Johansen Jr., US 6,785,938 ("Johansen").

VII. ARGUMENTS (37 C.F.R. §41.37 (c)(1)(vii))

For the reasons set forth below, Appellant believes that claims 1, 4, 6-11 and 19-24 are improperly rejected under 35 U.S.C. § 112, first paragraph and 35 U.S.C. 103(a).

A. Claim Rejections Under 35 U.S.C. 112, Second Paragraph;

The Examiner rejected claims 1, 4, 6-11 and 19-24 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner states that:

Claim 1, lines 1, 4, 9 "pet death" is not clear as to its meaning.

Claims 1, line 12 "regarding or order pet death" is not clear as to its meaning.

Claim 19, line 17 "regarding or ordering pet-related services" is not clear to its meaning.

Claim 21, line 2 "the passing" lacks antecedent basis and is not clear as to its meaning.

The Examiner bears the burden to present a prima facie case of indefiniteness for a rejection under 35 U.S.C. 112, second paragraph (see MPEP, 2173). The Examiner's focus during the examination of claims is whether the claim meets the threshold requirements of clarity and precision. (MPEP 2173.02). The Examiner has not presented a prima facie case for indefiniteness for each of the rejections under 35 U.S.C. 112, second paragraph. The Examiner provides no basis for the Appellant to know whether any analysis was done or the results of any

analysis of the allegedly indefinite claim language in view of (A) the content of the patent application disclosure; (B) the teachings of the prior art; and (C) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made (MPEP 2173.02).

Appellant suggests that the Examiner is reading incorrectly parsing portions of the claims and leading to confusion.

The allegedly indefinite term “pet death” in claim 1 line 1 is considered as modifying “transactions” and is set off in the alternative with “pet related” which also modifies transactions. The specification is replete with examples of at least the passing of pets, death of pets, mourning the death of a pet and mourning the death of VIP pets, and the descriptions in paragraphs [0016-0017], [0019], [0040-0106]. (All cites are to the published version of the application US Patent Application Publication US 2002/0178079). For at least these reasons, the term “pet death” has definite meaning in the context of the patent application disclosure.

The allegedly indefinite phrase “regarding or order pet death” in claim 1, at line 12 is not being considered in the full context of the claim. In context, it is clear that the claimed remote users may do two things, namely, first, obtain information regarding or, second, order. What is the information regarding or what is ordered is provided in the next portion of the claim. Again, set out in the alternative, the remote users may obtain information regarding or order two things. The two things available to the remote users are both services – pet death services or pet related services. For the reasons stated in the paragraph above, the specification provides numerous examples of pet death and pet related services thereby making clear the meaning of these terms in the context of the specification. The same reasoning applies to the allegedly indefinite phrase “regarding or ordering pet-related services” in claim 19, line 17.

The allegedly indefinite phrase “the passing” in claim 21, line 2 is only so by incorrect parsing of the claim element by the Examiner. Viewing the term in context reveals that the complete phrase is “to commemorate the passing of a pet.” As set forth above, the various

aspects of mourning and commemorating the death or passing of a pet are described at length in the specification.

For at least the reasons set forth above, the Examiner has not made out a prima facie case of indefiniteness. Even if such a case had been presented, the allegedly indefinite terms are in fact definite for at least the reasons set forth above. In view of the forgoing, it is requested that the rejections under 35 USC §112, first paragraph be withdrawn.

B. Claim Rejections Under 35 U.S.C. 103:

The Examiner rejected claims 1, 4, 6-11 and 19-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davis et al., US 6,105,008 ("Davis") in view of Johansen Jr., US 6,785,938 ("Johansen").

Davis relates to an online electronic bill paying architecture and system. Johansen describes a customizable pet urn manufacturing process.

The Examiner bears the burden of providing a prima facie case of obviousness of a claim in view of the cited references. Included within the prima facie case is the identification of some reason, suggestion or motivation from the prior art as a whole for a person of ordinary skill in the art to have modified or combined the references. When the incentive to combine the teachings of the references is not readily apparent as is here, it is the duty of the Examiner to explain why the combination is proper. This has not been done.

The motivation to combine references in an obviousness rejection must come from the references themselves. No such motivation exists here. Instead, the Examiner is using the pending claims to identify some reason to combine. It is plainly evident that Davis's online bill payment system has no relation to an automated urn design and manufacturing process. Similarly, Johansen's description an automated urn design and manufacturing process is not furthered or advantaged by Davis's online bill payment system.

Because the Examiner has not provided a prima facie showing of how independent claims 1, 19 and 21 are obvious in view Davis and Johansen, Appellant requests that the

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37
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rejection be withdrawn. Because independent claims 1, 19 and 21 are not rendered obvious and are allowable, the dependent claims 4, 6, 7, 8, 9 10, 11, 20, 22, 23, and 24 are also allowable.

For the reasons stated above, claims 1, 4, 6-11 and 19-24 are patentable over the prior art of record, and the rejections those claims under 35 U.S.C. §112, second paragraph and 35 U.S.C. §103(a) are improper and should be withdrawn. Appellants respectfully ask the Board to overturn the Examiner's rejection with instructions to allow the claims.

The Commissioner is authorized to charge any fees that may be required in connection with this submission, including petition fees and extension of time fees, and to credit any overpayments to Deposit Account No. 23-2415 (Attorney Docket No. 30841-703.201).

Respectfully submitted,

Date: May 30, 2006

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APPENDIX 1 CLAIMS APPENDIX (37 C.F.R. §41.37 (c)(1)(viii))

1. (Previously Presented) A method of conducting pet death, or pet related transactions over the Internet, comprising:

(a) providing at least one computer server for hosting one or more Internet web sites containing information and services from the group consisting of pet death, and pet related information and services, said at least one computer server capable of starting a client session, sending a command to start a client program, receiving commands from a remote computer, passing commands to a software session, and transmitting data to a remote computer;

(b) permitting remote users to establish accounts, whereby said remote users may obtain information regarding or order pet death or pet related services from a plurality of associated sources and vendors; and

(c) charging said remote users via their established accounts for obtaining information regarding or order pet death or pet related services from a plurality of associated sources and vendors.

4. (Previously Presented) The method of claim 1, wherein said pet death related transaction, information, and services pertain to the death of a famous or an important individuals pet.

6. (Previously Presented) The method of claim 1, wherein said services include comprises a pet calculator, whereby said pet calculator prompts specific input from a remote user, analyzes at least a portion of said input, and provides results and feedback to the remote user based on at least a portion of said input.

7. (Original) The method of claim 6, wherein said pet calculator combines at least a portion of said input with set parameters for various species and breeds of pets before providing customized results and feedback to the remote user based on said input.

8. (Original) The method of claim 6, wherein said pet calculator divides animals into a plurality of age classifications, assigns one or more specific age classifications to a particular pet based upon said specific input, and provides results and feedback to the remote user based upon said one or more assigned age classifications.

9. (Original) The method of claim 6, wherein at least one portion of said results and feedback contains at least a portion of said specific input while at least another portion of said results and feedback contains standardized generic passages that do not contain any of said specific input.

10. (Previously Presented) The method of claim 6, wherein said pet related services include further comprising a pet selector, whereby said pet selector prompts specific input from a remote user, analyzes at least a portion of said input, and provides customized recommendations on pet selection to the remote user based on at least a portion of said input.

11. (Original) The method of claim 10, wherein said pet selector provides recommendations as to specific species and breeds of pets based upon one set of specific input.

19. (Previously Presented) A method of conducting pet-related transactions over the Internet, comprising:

(a) providing at least one computer server for hosting one or more Internet web sites containing pet-related information and services, said at least one computer server capable of starting a client session, sending a command to start a client program, receiving commands from a remote computer, passing commands to a software session, and transmitting data to a remote computer, wherein said pet related services include a pet calculator that prompts specific input from a remote user, analyzes at least a portion of said input, and provides results and feedback to the remote user based on at least a portion of said input, and wherein said pet related services also include a pet selector, whereby said pet selector prompts specific input from a remote user, analyzes at least a portion of said input, and provides customized recommendations on pet selection to the remote user based on at least a portion of said input;

(b) permitting remote users to establish accounts, whereby said remote users may obtain information regarding or order pet-related services from a plurality of associated sources and vendors; and

(c) charging said remote users via their established accounts for obtaining information regarding or ordering pet-related services from a plurality of associated sources and vendors.

20. (Original) The method of claim 19, wherein at least a portion of said pet related information or services are provided by outside vendors in business partnerships with the proprietor of said at least one computer server.

21. (Previously Presented) A method of conducting transactions over the Internet related to commemorate the passing of a pet, comprising:

(a) providing at least one computer server for hosting one or more Internet web sites containing information and services related to commemorate the passing of a pet, said at least one computer server capable of starting a client session, sending a command to start a client program, receiving commands from a remote computer, passing commands to a software session, and transmitting data to a remote computer; and

(b) permitting remote users to establish accounts, whereby said remote users may obtain information or conduct transactions over the Internet related to commemorate the passing of a pet from a plurality of associated sources and vendors using the established accounts.

22. (Previously Presented) A method of conducting transactions over the Internet related to commemorate the passing of a pet according to claim 21 further comprising arranging for payment from said remote users via their established accounts.

23. (Previously Presented) A method of conducting transactions over the Internet related to commemorate the passing of a pet according to claim 21 wherein information and services related to commemorate the passing of a pet comprises an Internet site that enables a user to post or view death notices, obituaries, electronic announcements or tributes to a deceased pet.

24. (Previously Presented) A method of conducting transactions over the Internet related to commemorate the passing of a pet according to claim 21 wherein at least one remote user is an owner of a deceased pet.

APPENDIX 2 EVIDENCE APPENDIX (37 C.F.R. §41.37 (c)(1)(ix))

US 6,785,938 (“Johansen”) is cited by Examiner in the final office action mailed on December 29, 2005.

US 6,105,008 (“Davis”) is cited by Examiner in the final office action mailed on December 29, 2005.

Manual of Patent Examining Procedure (“MPEP”) section 2173.02 cited by Appellant in response to final office action mailed 2/28/06.



US006785938B1

(12) **United States Patent**
Johansen, Jr.

(10) **Patent No.:** **US 6,785,938 B1**
(45) **Date of Patent:** **Sep. 7, 2004**

(54) **PET CREMATORY URN**

(75) **Inventor:** **Charles J. Johansen, Jr., Katy, TX (US)**

(73) **Assignee:** **C-Cure Corporation, Katy, TX (US)**

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** **10/431,266**

(22) **Filed:** **May 7, 2003**

(51) **Int. Cl.⁷** **A61G 17/00**

(52) **U.S. Cl.** **27/1**

(58) **Field of Search** **27/1, 19; D99/5**

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* cited by examiner

Primary Examiner—William L. Miller

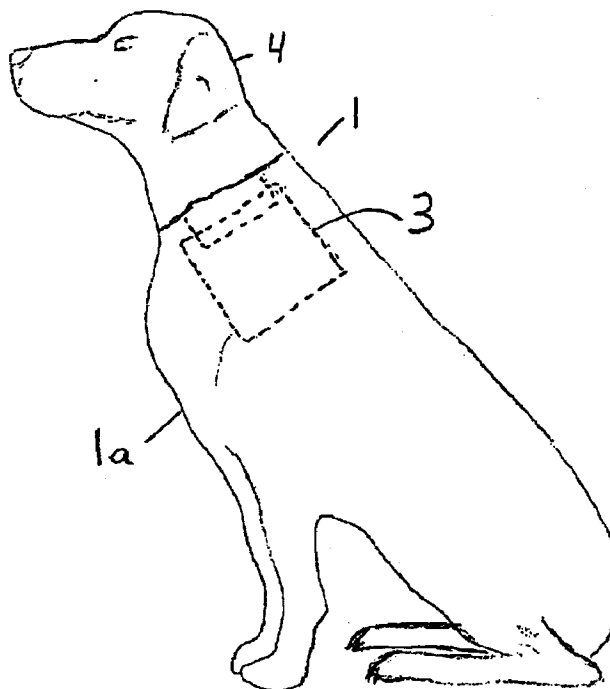
(74) *Attorney, Agent, or Firm*—Hedman & Costigan, P.C.

(57)

ABSTRACT

A pet crematory urn for storing the cremated remains of a deceased pet where a decorative figure in the nearly exact likeness of the deceased pet provides a sealable repository chamber for receiving cremated remains of a deceased pet. The pet urn, optionally, may rest upon a supporting base, where the sealable repository chamber is a drawer in the supporting base that is adapted to receive said cremated remains.

5 Claims, 2 Drawing Sheets



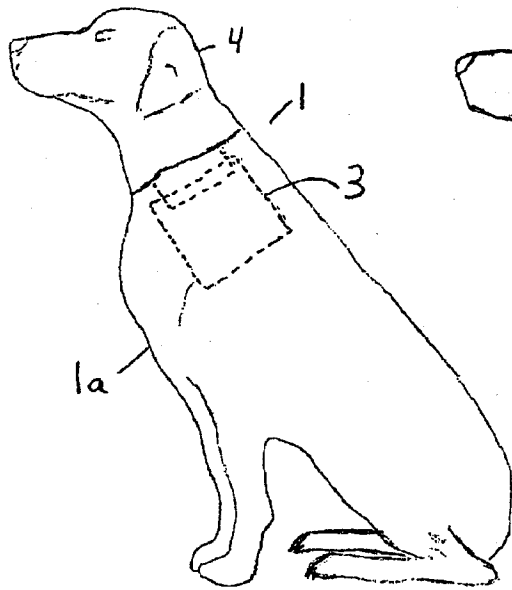


Fig 1

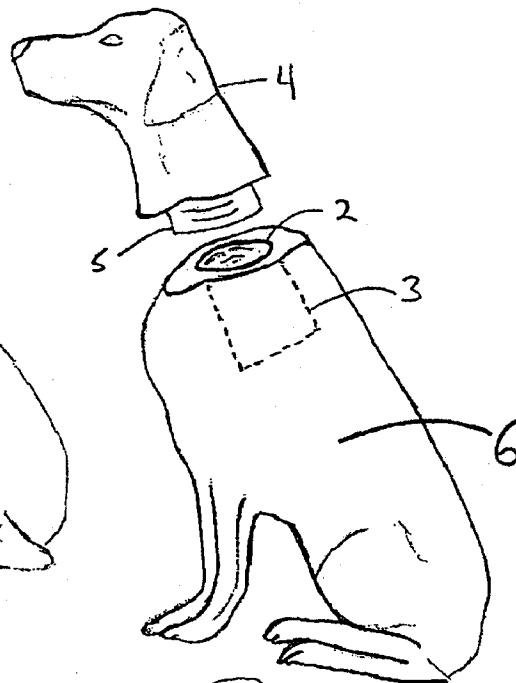


Fig 2

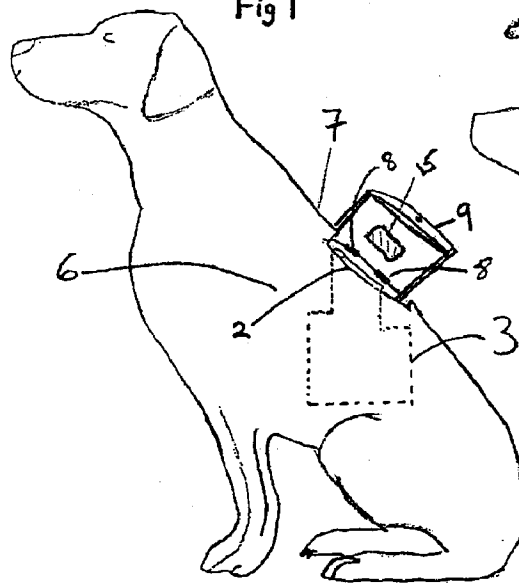


Fig 3

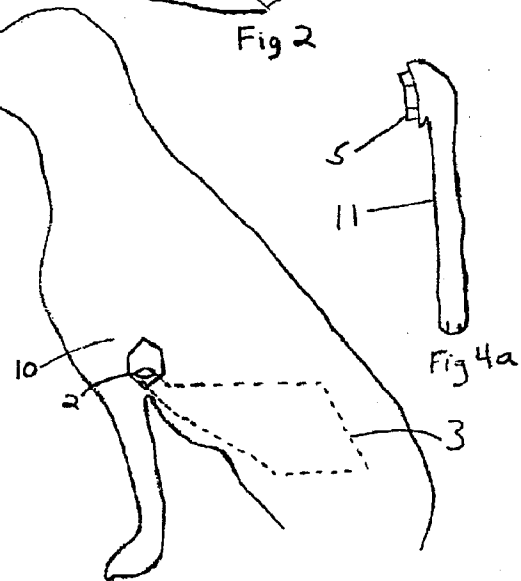


Fig 4



Fig 4a

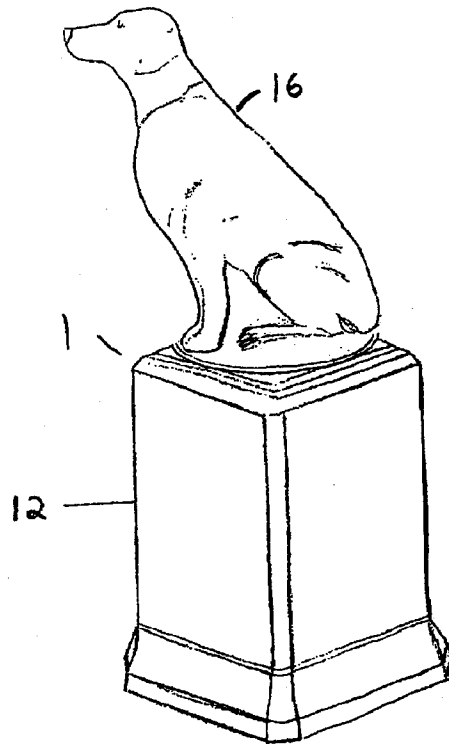


Fig. 5

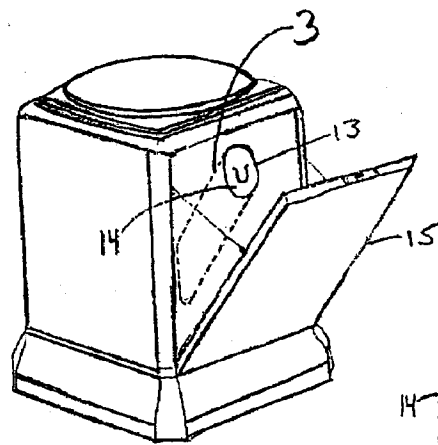


Fig. 6

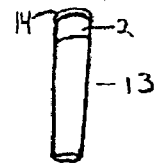


Fig. 6a

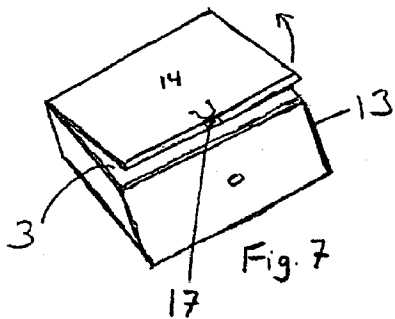


Fig. 7

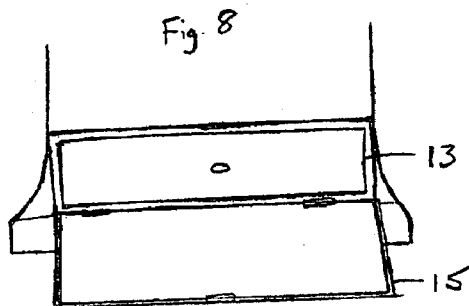


Fig. 8

PET CREMATORY URN

TECHNICAL FIELD OF THE INVENTION

This invention relates generally to crematory urns for pets and particularly to customized crematory urns for pets.

BACKGROUND OF THE INVENTION

Cremation is a means of disposing of the remains of the deceased. From time immemorial, various vessels such as vases, jars and urns have been used as a repository for the cremated remains of humans. Many of these retainers pay tribute to a deceased individual through various means. Some urns are made with ornate decorations and fitted with jewelry, while others are formed in the likeness of cherished objects.

Although the prior art teaches many improvements to cremation urns for human remains, there are scant few disclosures of cremation urns for pets. For example, the art of human cremation urns, as previously disclosed, includes, U.S. Pat. No. 2,562,726, teaching an urn for ashes with a screw in stopper; U.S. Pat. Nos. 2,385,520, 2,235,617, and 2,075,859 teaching cremation urns with a screw-in stoppers; U.S. Pat. No. 4,324,026 teaching an urn with compartment for memorabilia of the deceased; and U.S. Pat. Des. No. 232,782 teaching an urn formed as a statue or bust. All of the above referenced art is with respect to vessels for human remains and not animals and specifically pets.

As this indicates, pet owners have had very few choices in electing to preserve the ashes of a beloved pet. Given the means, however, pet owners would choose to preserve their pet's cremated remains in an urn that evokes the likeness and the particular physical attributes and memories of a cherished pet. An urn bearing a close or nearly exact likeness of a family or personal pet would be a preferred means to keep alive the memories of one's pet. Presently, there are very few devices designed for storing and preserving the ashes of a beloved pet. In this regard, there are even fewer choices for pet urns that also memorialize the pet in a three-dimensional representation of the pet's likeness. The present invention provides a final resting place for the remains of a cherished pet in an urn customized in the form of the pet's likeness and that provides an improved means for accessing the repository chamber in which the ashes are stored.

History teaches that human beings have a tendency to form strong emotional attachments to specially chosen pets. Only recently, however, have pet owners had the freedom of resources to treat their pets to many of perquisites usually reserved for humans. Pet owners now provide for their pets in lavish and sometimes exorbitant ways, including custom-built air-conditioned doghouses, treatments by animal psychologists, luxurious grooming, hairstyling and polishing of nails, etc. Accordingly, the industry catering to specialty pet products and services has seen tremendous growth in recent years.

This trend of treating one's pet in every respect as family member has produced a need for providing pet owners with a means for memorializing the life of a cherished pet after its death. The emotional bond between owner and pet creates the need for bereavement services and funerary products for pets. This is evidenced by the increasingly popular practice of selling burial plots for pets and conducting formal interment ceremonies for the pets. The sale of pet burial plots in pet cemeteries has become a formidable business enterprise, catering to all the needs of bereaved pet owners. These practices may involve, for example, memorial services,

caskets and the like in an attempt to replicate human burial ceremonies. Crematoriums have also started to cater specifically to bereaved pet owners, sometimes arranging for a fitting ceremony during which a pet's ashes may be dispersed.

Sometimes the ashes are retained in a crematory urn, typically displayed in a special place in the home of the pet owner. However, many such urns are expensive and yet do not fittingly memorialize the life of the pet. Many pet owners would find it desirable, given the means, to keep their pet's ashes in an urn that allows them to evocatively reflect upon and recollect the life of their pet. Toward that goal, the present invention provides a final resting place for the cremated remains of the pet formed in a replica of the animal whose remains are contained therein.

Among the prior art, one pet urn comprises a cremation receptacle with a decorative housing bearing a stylized likeness of a pet such as a dog or cat as disclosed in U.S. Pat. No. 6,023,822. Although this urn generally discloses a storage receptacle in the stylized likeness of the deceased pet, many of its features as a storage receptacle warrant improvement. For instance, the prior art shows a chamber for holding the ashes with an opening located, preferably on the bottom of the urn where it is difficult to access, particularly where the urn is made of a heavy material. In this case, it is necessary to turn the urn over on its side or its head in order to access the chamber opening, with the unfortunate consequence of increasing the risk of dropping and breaking the urn, particularly a heavy ceramic urn. Even more particularly, the prior art discloses a complicated threaded receptacle system wherein one chamber is threaded into a receptacle, which in turn, is then sealed by a threaded screw cap or screw plug. The above-described system, with its restricted access to the storage chamber and its difficult-to-operate sealing system provides an impediment to the use and enjoyment, as well as to the functionality of the pet urn. In so far as it is likely that many of the bereaved pet urn users are elderly and/or frail, the need for an easy to use pet urn becomes all the more important.

Moreover, the pet urns of the prior art comprise molded, sculpted, cast, or extruded material forming the decorative shell of the urn. These stylized urns of the prior art bear only a distant resemblance to the deceased pets because they lack realistic general features such as fur, whiskers as well as the individual markings that characterize the true likeness of the deceased pet. The prior art decorative housings may perform a decorative function, but they fall well short of a true likeness of the deceased pet.

It would be preferable to pet owners to have an urn that is a very close likeness of their deceased pet as opposed to a generic version of a pet breed. It would also be preferable to have a pet urn that provides ease of use and ease of access to the repository chamber. It is also preferable to develop a pet urn with the above characteristics that also has a supporting base for the urn, providing stability and an even more easily accessible chamber for the storage of ashes without the need for a separate sealable container.

SUMMARY OF THE INVENTION

This invention provides an improved devise comprising a decorative urn for the convenient reception and storage of ashes of deceased pets such that the ashes may be easily, securely and conveniently stored and displayed in the customized likeness of the deceased pet. The pet crematory urn of the present invention comprises a customized figurine or statue designed and crafted in the likeness of the deceased

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pet and, further, provides easy access to a repository chamber for the preservation and storage of the ashes of the pet. The present invention also provides a figurine or statue customizable to substantially the exact likeness of the deceased pet, including, at the customer's optional request, fur, whiskers, and color markings that match those of the deceased pet. Finally, the present invention also provides a process for the automation of the customization of the figurine of the present invention.

The urn of the instant invention is provided with an easily accessed repository chamber for the storage of the cremation ashes to be contained therein. The repository chamber of the present invention is the inside of the decorative likeness of the deceased pet without the need for any additional securing or holding means such as the tube described in U.S. Patent No. 6,023,822. The repository chamber, optionally, may also be contained within the decorative base/pedestal upon which the pet's statue rests, again without the need for any additional securing or holding means that encumber and complicate access to the chamber.

The chamber is conveniently accessed through a removable access means or opening formed in the pet statue, such as the head, neck, body, tail, leg or paw, for example. An inconspicuous hinged door flush with the body of the figurine may also be used to conceal access means located in the body of the pet statue. Where the cremated remains are to be deposited in the base upon which the statue rests, the access means may comprise a hinged compartment behind which is located a slidable compartment or drawer comprising the repository chamber. In any case, the opening may be securely sealed and, when closed, remains inconspicuous within the display.

BRIEF DESCRIPTION OF THE DRAWINGS

FIGS. 1-4 are profile views of various embodiments of the pet urn showing access means and cutaway views of the sealable repository chamber.

FIGS. 5-8 show the pet urn and supporting base member with views of sealable repository chambers.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

Example 1

In one preferred embodiment the present invention comprises a pet urn manufactured in the general likeness of a particular animal species and breed in various states of repose which is subsequently further customized upon request by the customer to the specific likeness of the animal whose ashes are to be contained therein. In one practical example of this embodiment, the urn may be manufactured in the likeness of the Labrador breed of dog, whereupon the urn maybe further customized, to bear the exact likeness of the deceased pet. The more particularized customization can be accomplished by matching the markings and coloration of the urn to the deceased pet, using photographs of the deceased or other written or verbal descriptions of the features.

Recent advances in technology allow production processes to be both highly automatic and at the same time customized. For instance, computer graphical representations of the urn to be produced can be created based on photographs, verbal descriptions, or scanned images digitally superimposed on an image of an urn in the general likeness of the pet's species and breed. Those images then can be previewed by the customer and further modified to

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depict features that the customer requests. Finally, the graphical representation is downloaded to the production facility that produces an individualized customized urn in that exact likeness. This entire process may take place over the Internet; through email, phone calls and U.S. mail; or by in-person consultation with the customer. Moreover, pre-need urns may be produced based on the physical representation of the live pet. Alternatively, veterinarian services may conveniently provide the equipment necessary for 3D graphical imaging used in production of the present invention. One such system, the Image Data Matrix system, is described by Mechatronics PTY LTC 51 Westchester Rd. Malaga (Perth) Western Australia, P.O. Box 2294, Malaga WA 6994.

As shown in FIG. 1, the cremated remains in this embodiment are contained within the figurine representing the deceased pet 1. In this regard, the figurine serves both as the chamber 3 for the reception of the cremated remains and as a decorative housings 1a. In this embodiment, the opening 2 for the repository chamber 3 is formed approximately at the base of the neck of the statue. Access to the chamber is gained by removing the head portion 4 of the pet statue as shown in FIG. 2. The head portion is securely fitted by known means 5, such as threaded female and male adaptations, friction plug, cork, decanter, or the like. Thus, the purchaser of the present urn may gain access to the repository chamber via the access means 2, 4, 5 without having to lift or move the urn. Moreover, the head portion 4 of the figurine is of sufficient size so that it is not difficult for elderly or frail users to grasp, manipulate and remove it.

Example 2

This embodiment is substantially the same as the previous example, except that the access means for the repository chamber 3 is located on the body 6 of the customized figurine, for example on its back 7, in an inconspicuous manner. As shown in FIG. 3, the cover 9 may be hinged 8 and provide easy access to the repository chamber 3 without having to lift the urn. In this example as in the previous example, the cover 9 is of sufficient size and appropriate design to provide easy and convenient access. In this regard, the hinged covering 9 need only be provided with a slight lifting force to reveal the repository opening 2 to the chamber 3 contained there under. The hinged covering 9 is fitted with sealing means 15, such as a rubber stopper, on the underside of the covering and adapted to fit into the opening such that closing the cover automatically engages the sealing means 15 into opening 2 thereby sealing the sealable chamber 3. As in the previous example, the access means 2, 9, 15 of the present invention provides convenient access to the repository chamber 3.

Example 3

This embodiment is substantially the same as Example 2 except that the opening 2 for the repository chamber 3 is located at the shoulder 10 of the pet figurine. Removal of one of the legs 11 of the pet figurine provides access to the opening 2. As in Example 1, the leg 11, shown in FIG. 4a, is securely fitted by known means 5, such as threaded female and male adaptations, friction plug, cork, stopper, or the like. Thus, the purchaser of the present urn may gain access to the repository chamber via the access means 2, 5, 11 without having to lift or move the urn.

Example 4

In a third preferable embodiment, shown in the FIGS. 5-8, the cremated remains are housed in a sealable repository

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tory chamber 3 located in a base portion 12 of the urn. FIG. 5 shows the customized figurine portion 16 resting on a pedestal-like base 12, that itself may be of any shape or size, and which houses a slideable drawer 13 comprising the repository chamber 3. In this regard, the slideable drawer 13 provides a convenient means for accessing the repository chamber 3 that is independent of having to lift, move or disassemble the urn, particularly a heavy urn. The base drawer 13 in this embodiment has a sealable cover 14 for secure closure and keeping of the ashes. The sealable cover 10 may be secured in a closed position by means 17 known in the arts, such as a single ball bearing and a bearing support mounted to the drawer wall with a concave bearing surface for receiving the ball bearing and a coil spring for urging the bearing support and ball bearing against the concave bearing. FIG. 6 shows one embodiment with a drawer 13, in the shape of a tube, comprising a sealable repository chamber 3 that slides angularly into the base portion 12 of the urn. The side circumference of the sealable cover 14 frictionally engages the top of drawer housing in the base portion 12 thereby forming the seal of the sealable repository chamber 3. FIG. 6 also shows a closeable decorative cover 15 that renders the repository chamber inconspicuous within the urn. FIG. 6a shows the drawer of this embodiment removed from the base, making apparent the ease of access to the opening 2 of the repository chamber 3 by slideably removing the drawer 13. FIG. 7 shows a conventional type drawer 13 with a top 14 that sealably closes the repository chamber 13. FIG. 8 shows the drawer inserted into a bottom portion of the base and a closeable decorative cover 15 to render the repository chamber inconspicuous within the urn.

In any of the above examples, the repository chamber of the present invention may be designed to sealably accept the ashes of the cremated pet directly or, as they may also be found, in a flexible container. In addition, the present invention may also be fitted with a durable removable rigid container such that the container with ashes may be securely transported.

The receptacle or urn may be made of cast material or the usual alloys for casting statues, such as bronze, ceramic material, curable resins, marble, or extrudable and thermofomed plastics and the like; but is preferably of marble, or

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most preferably of extrudable plastic. In all instances, the figuring portion of the urn may also be covered with a natural or synthetic fur, including whiskers, that may also be customized in length, color, and pattern representing the approximate exact likeness of the deceased animal contained therein.

Although for purposes of illustration certain material and sizes have been defined herein, those skilled in the art will recognize that various modifications to the same can be accomplished without departing from the spirit of the present invention and such modifications are clearly contemplated herein.

What is claimed is:

1. A process for the manufacture of a pet crematory urn for storing the cremated remains of a deceased pet comprising:

- (a) superimposing a digital graphical image of the likeness of the deceased pet on a digital representation of a general likeness of the deceased pet's species, thereby producing a composite digital image of the deceased pet;
- (b) transmitting the composite image to a production facility;
- (c) using the transmitted composite digital image to produce the pet crematory urn wherein pet crematory urn is a replicated likeness of the deceased pet;
- (d) placing the cremated remains of the deceased pet in the pet crematory urn through an access means and
- (e) sealing the access means of the urn.

2. The process of claim 1 wherein said access means is disposed in the neck portion of the replicated likeness of the deceased pet.

3. The process of claim 1 wherein said access means is disposed in the back portion of the replicated likeness of the deceased pet.

4. The process of claim 1 wherein said access means is disposed in the torso portion of the replicated likeness of the deceased pet.

5. The process of claim 1 wherein said access means is disposed in the leg portion of the replicated likeness of the deceased pet.

* * * * *



US006105008A

United States Patent [19][11] **Patent Number:** **6,105,008**

Davis et al.

[45] **Date of Patent:** **Aug. 15, 2000**[54] **INTERNET LOADING SYSTEM USING SMART CARD**WO 96/13791 5/1996 WIPO.
WO 96/32701 10/1996 WIPO.[75] **Inventors:** Virgil M. Davis, Los Altos; Suzanne C. Cutino, San Francisco; Michael J. Berg, Belmont; Frederick Sidney Conklin; Steven John Pringle, both of Oakland, all of Calif.**OTHER PUBLICATIONS**Brian Santo, "Bill-paying put on line", Mar. 20, 1995, *Electronic Engineering Times*.

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[73] **Assignee:** Visa International Service Association, Foster City, Calif.*Primary Examiner*—James P. Trammell
Assistant Examiner—Mussie K. Tesfamariam
Attorney, Agent, or Firm—Beyer Weaver Thomas & Nguyen, LLP[21] **Appl. No.:** 09/070,488[22] **Filed:** Apr. 30, 1998[57] **ABSTRACT****Related U.S. Application Data**

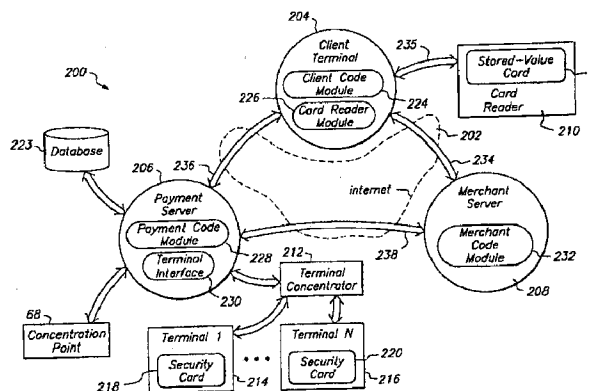
[63] Continuation-in-part of application No. 08/951,614, Oct. 16, 1997.

[51] **Int. Cl.⁷** G06F 17/60[52] **U.S. Cl.** 705/41; 235/375; 235/380;
380/24; 380/23; 395/235[58] **Field of Search** 235/375, 380,
235/24, 23; 395/235; 705/41[56] **References Cited****U.S. PATENT DOCUMENTS**

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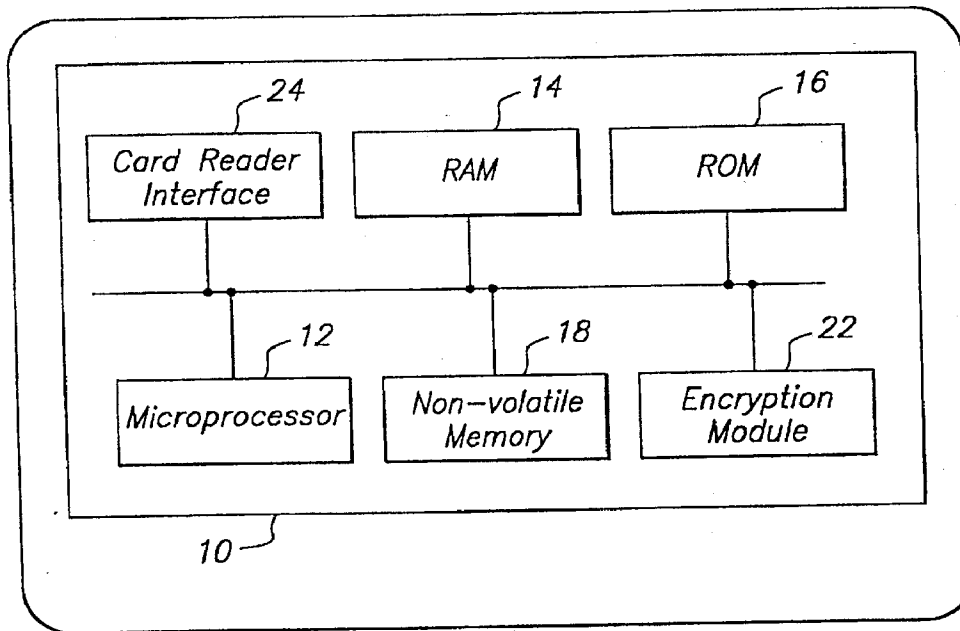
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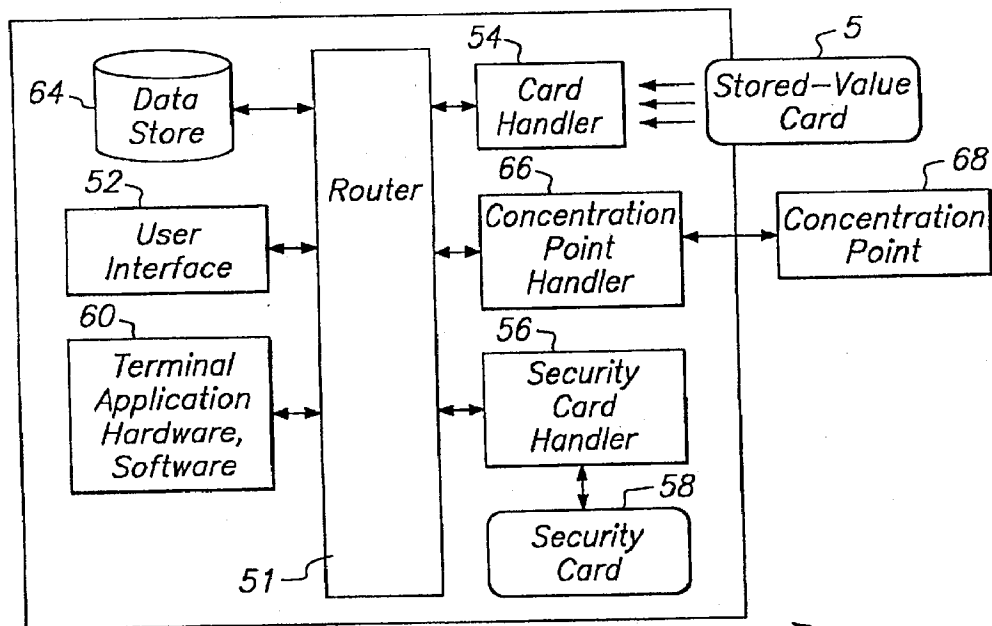
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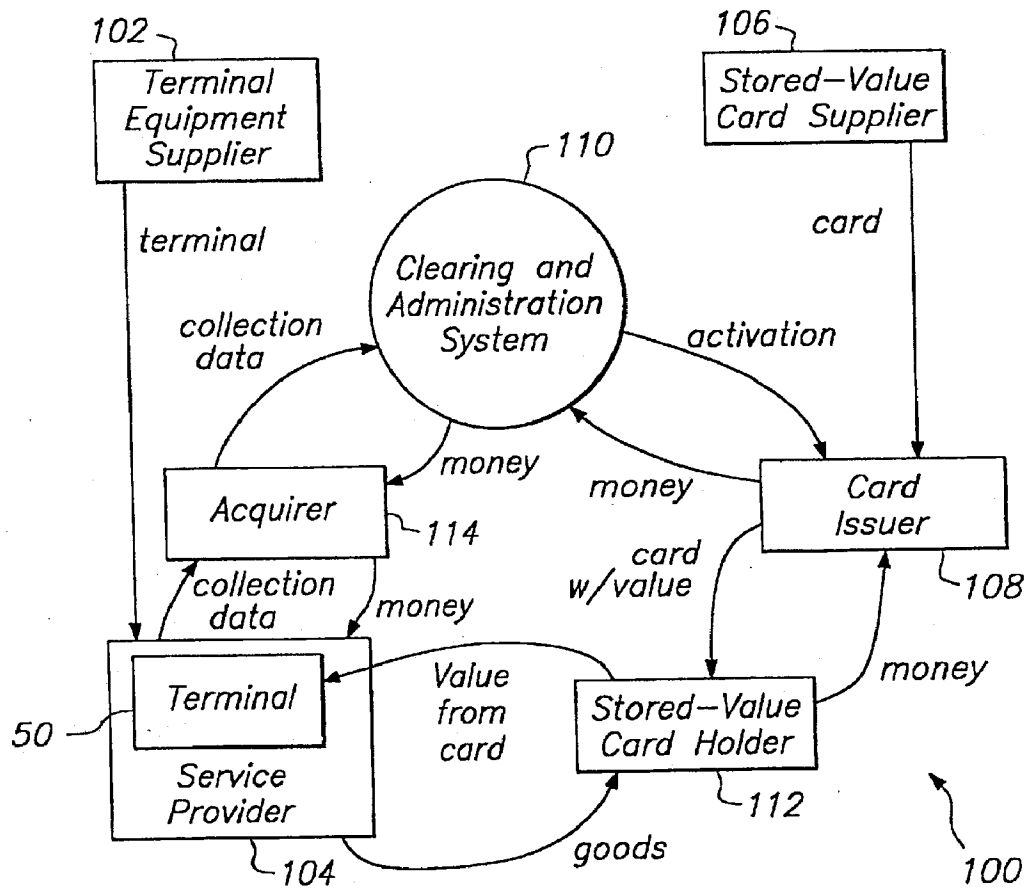


Stored-Value Card Example

FIG. 1 PRIOR ART

Service Payment Terminal

FIG. 2 PRIOR ART

**FIG. 3** PRIOR ART

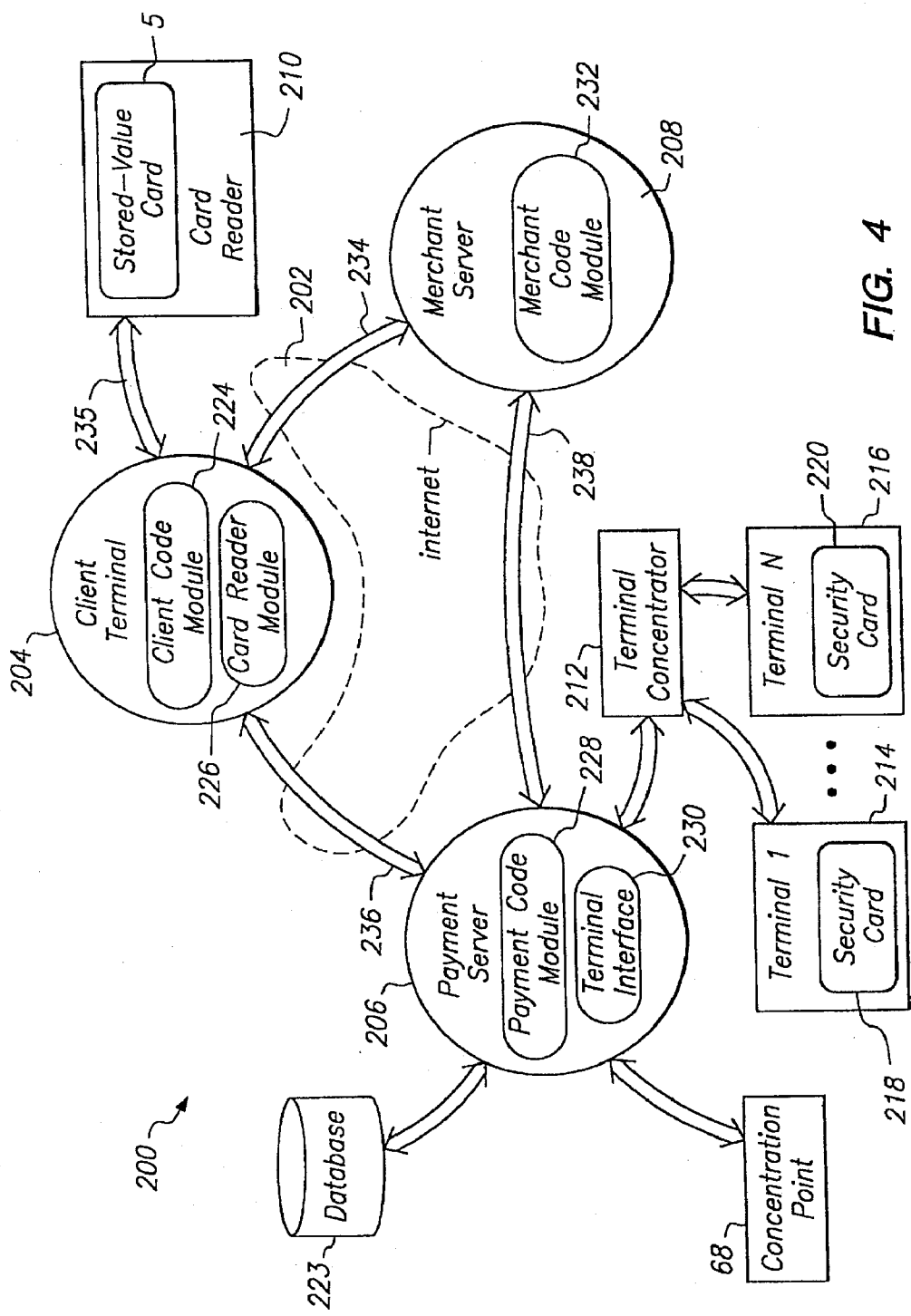


FIG. 4

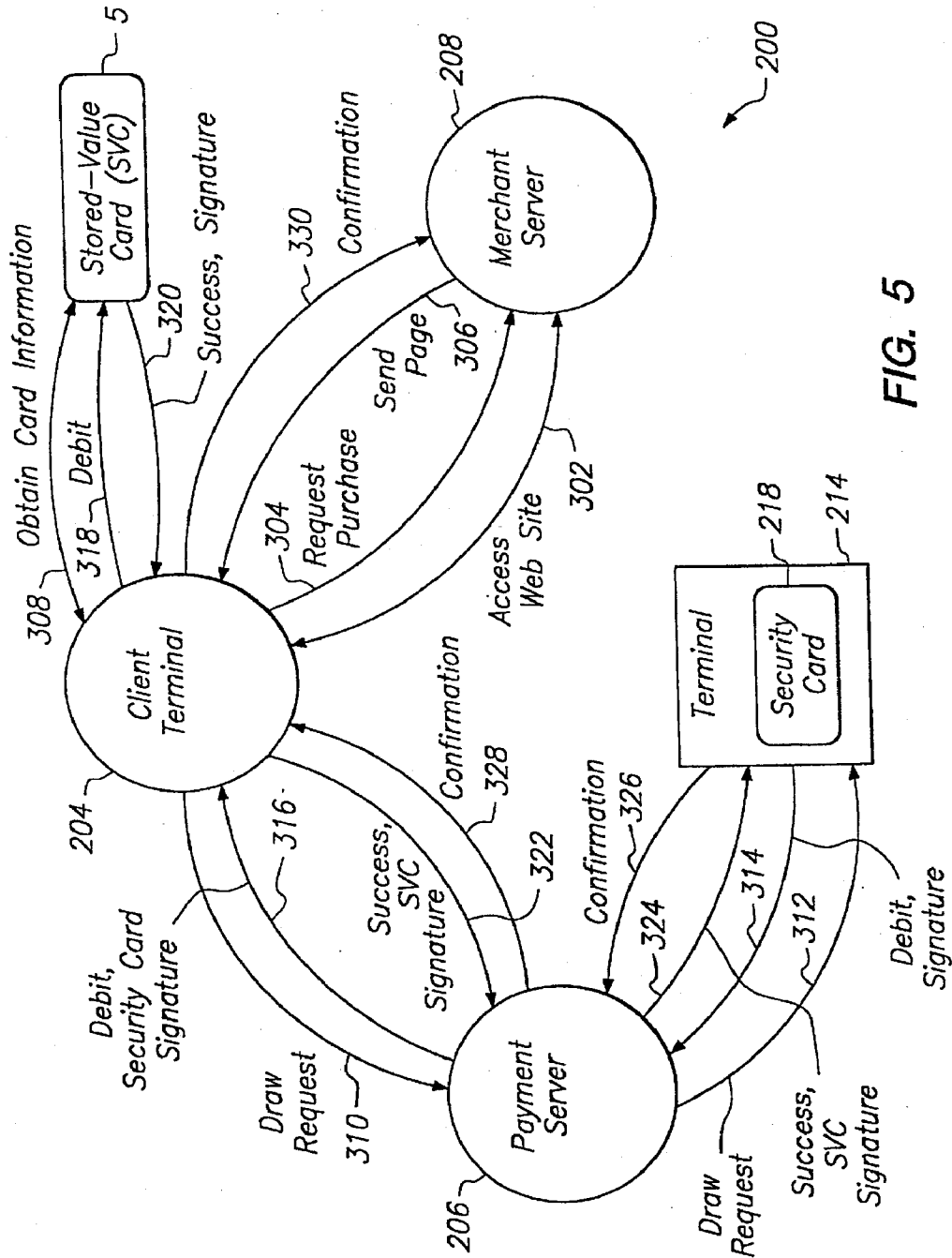


FIG. 5

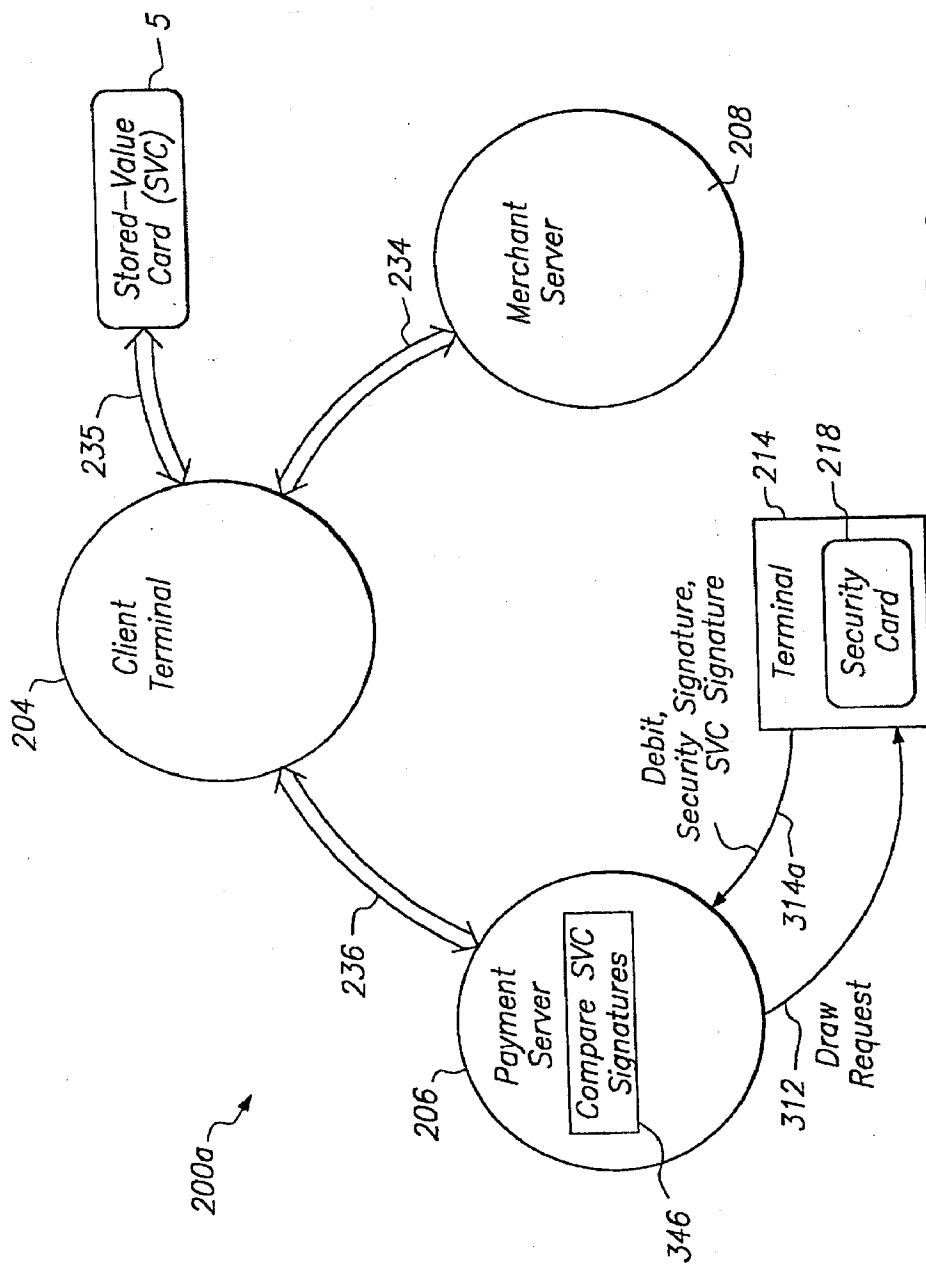


FIG. 6

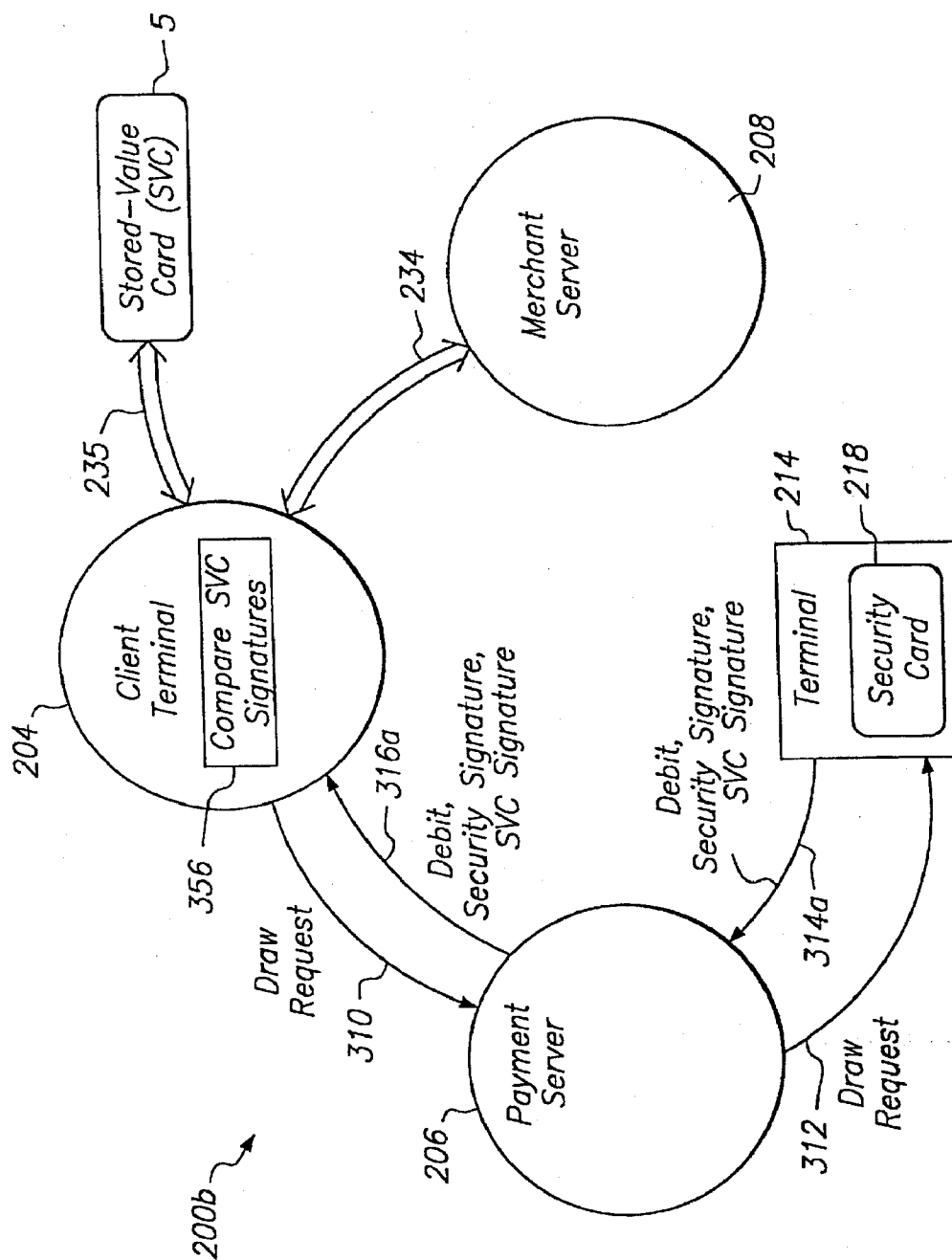


FIG. 7

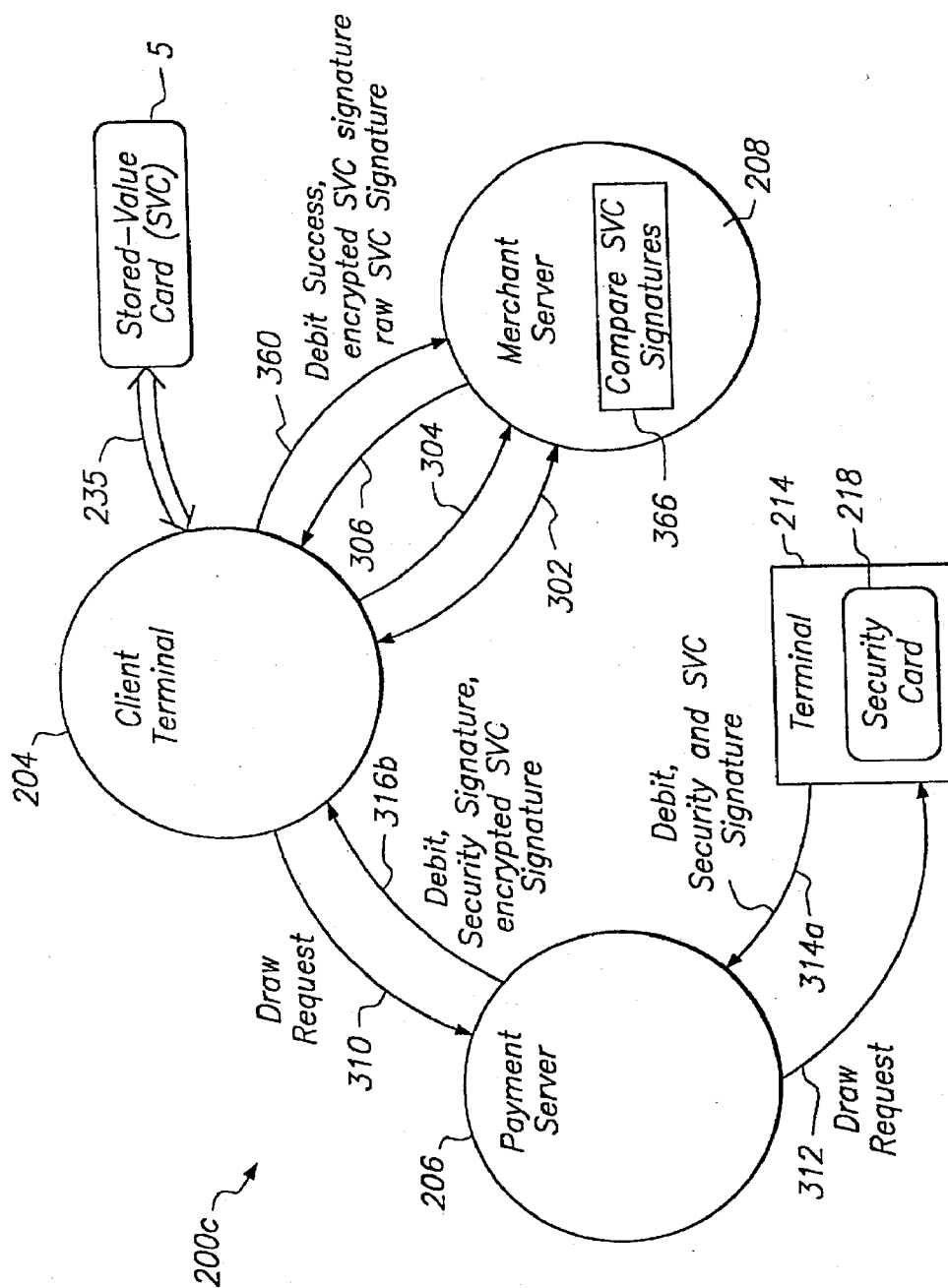


FIG. 8

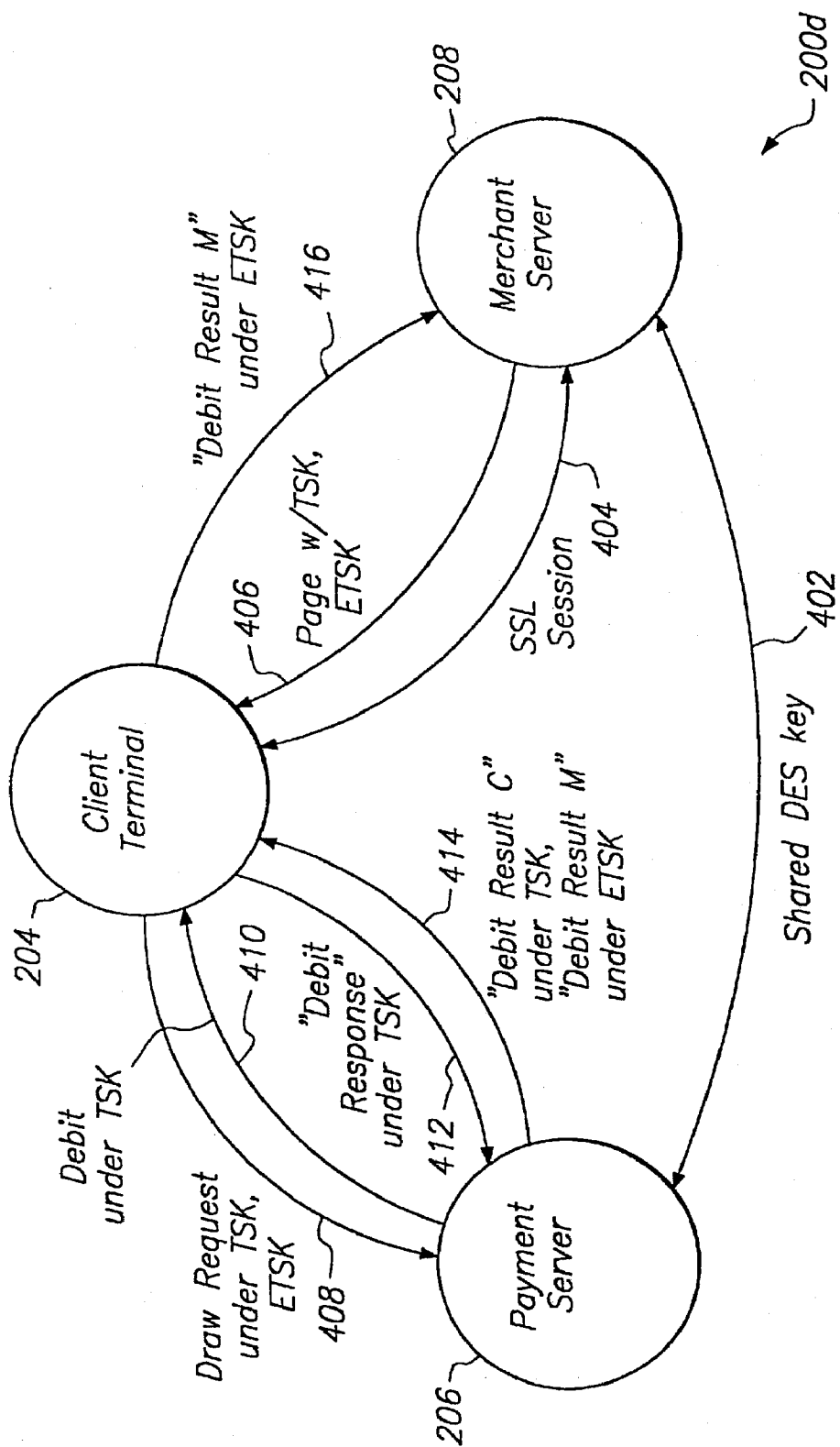


FIG. 9

FIG. 10

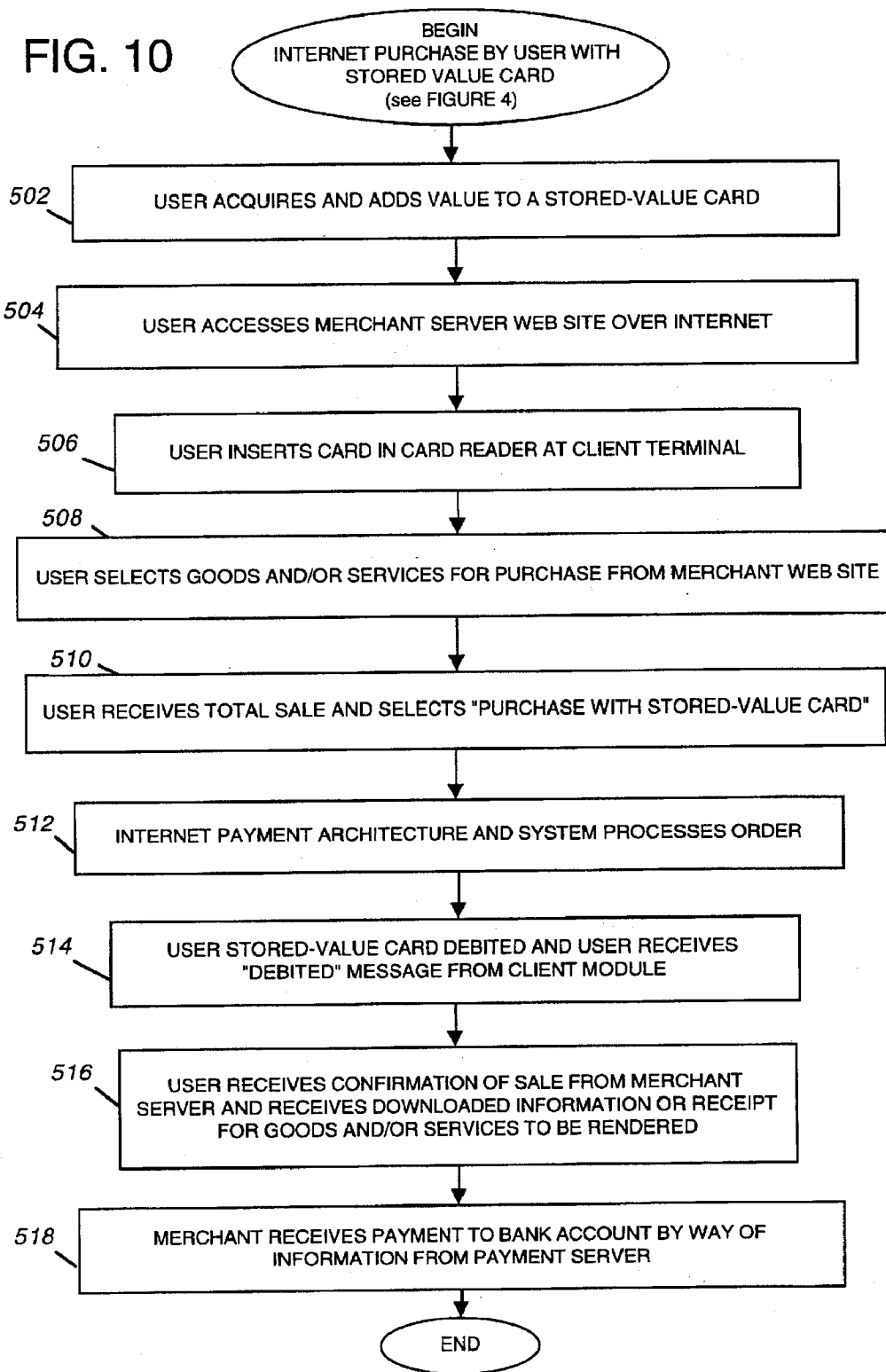


FIG. 11A

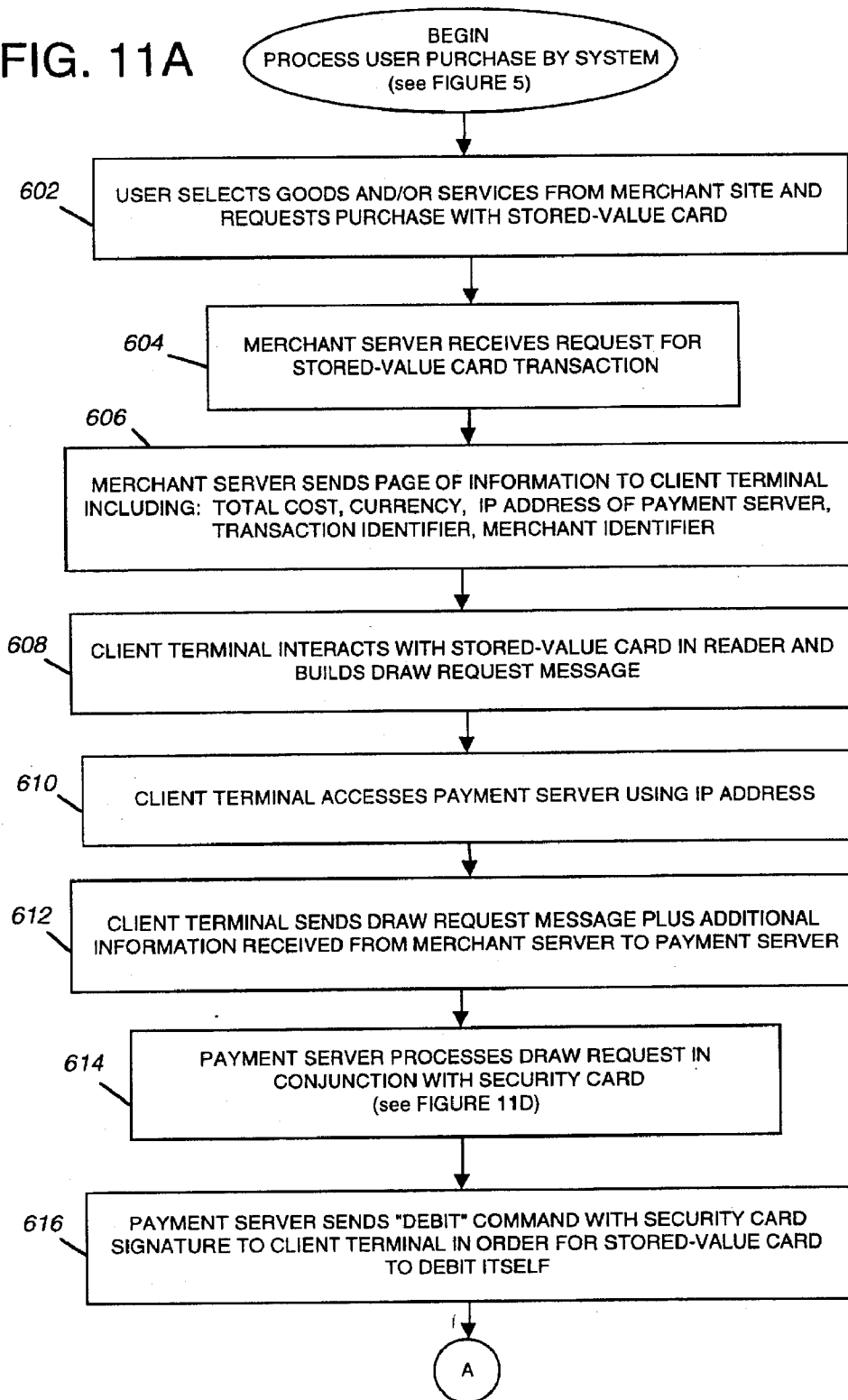
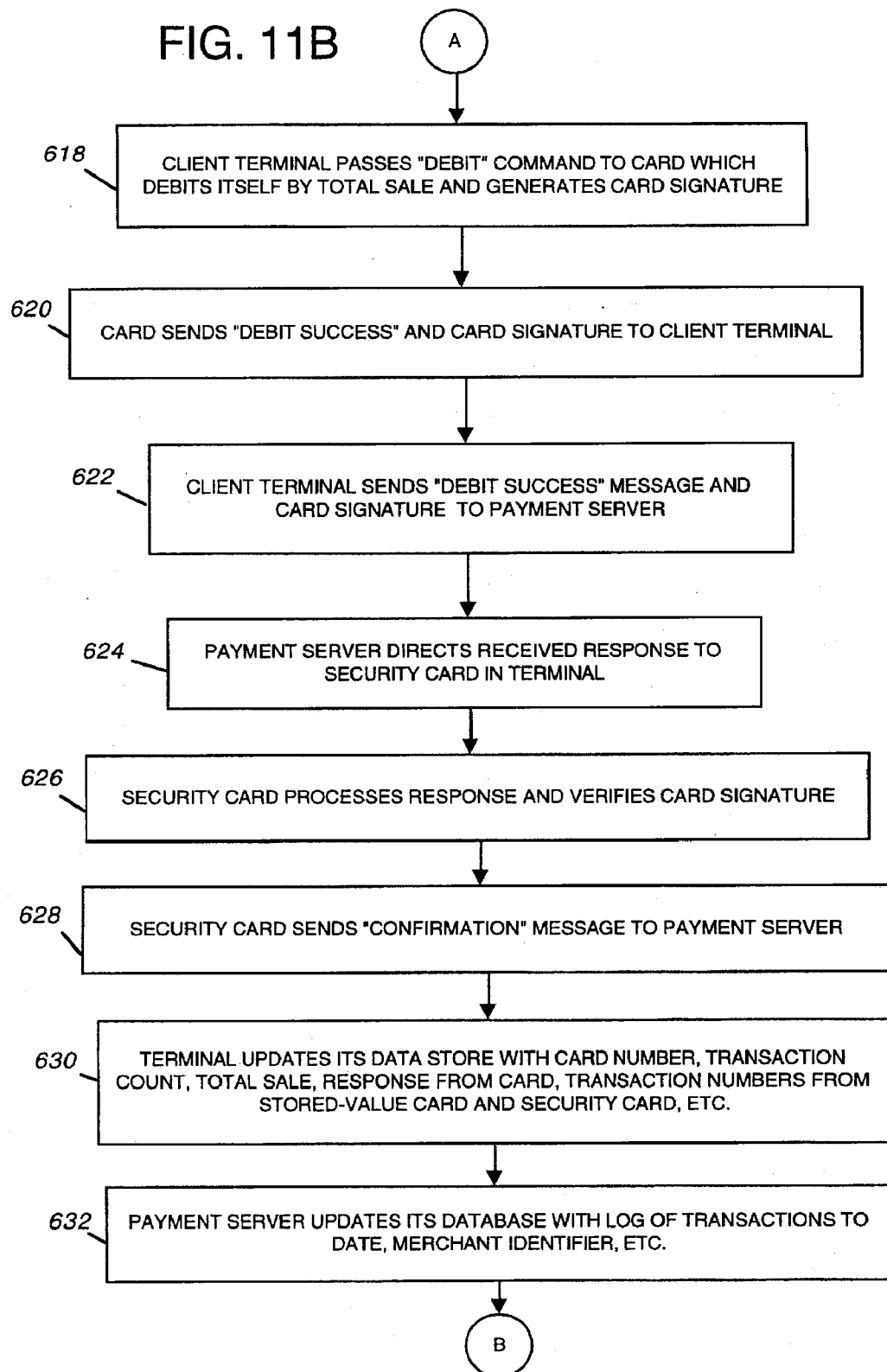


FIG. 11B



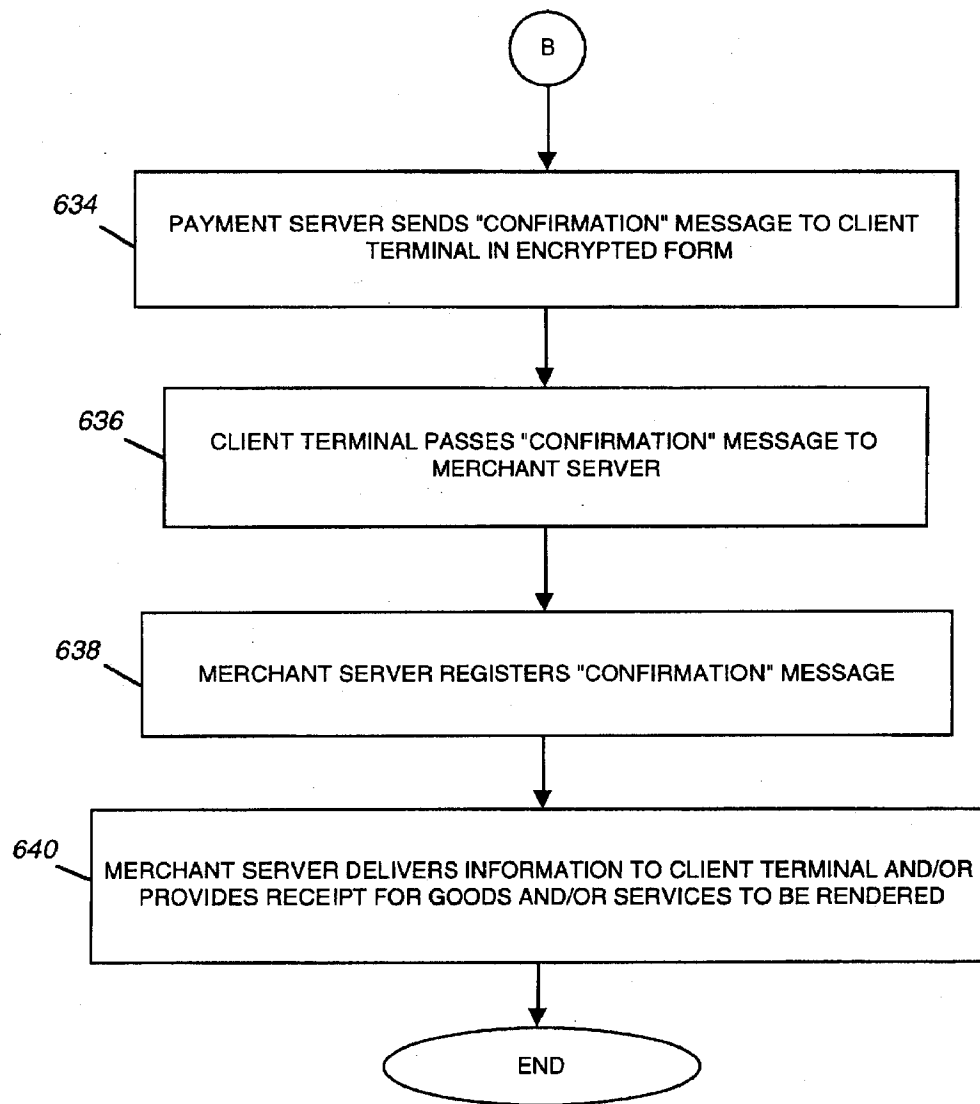
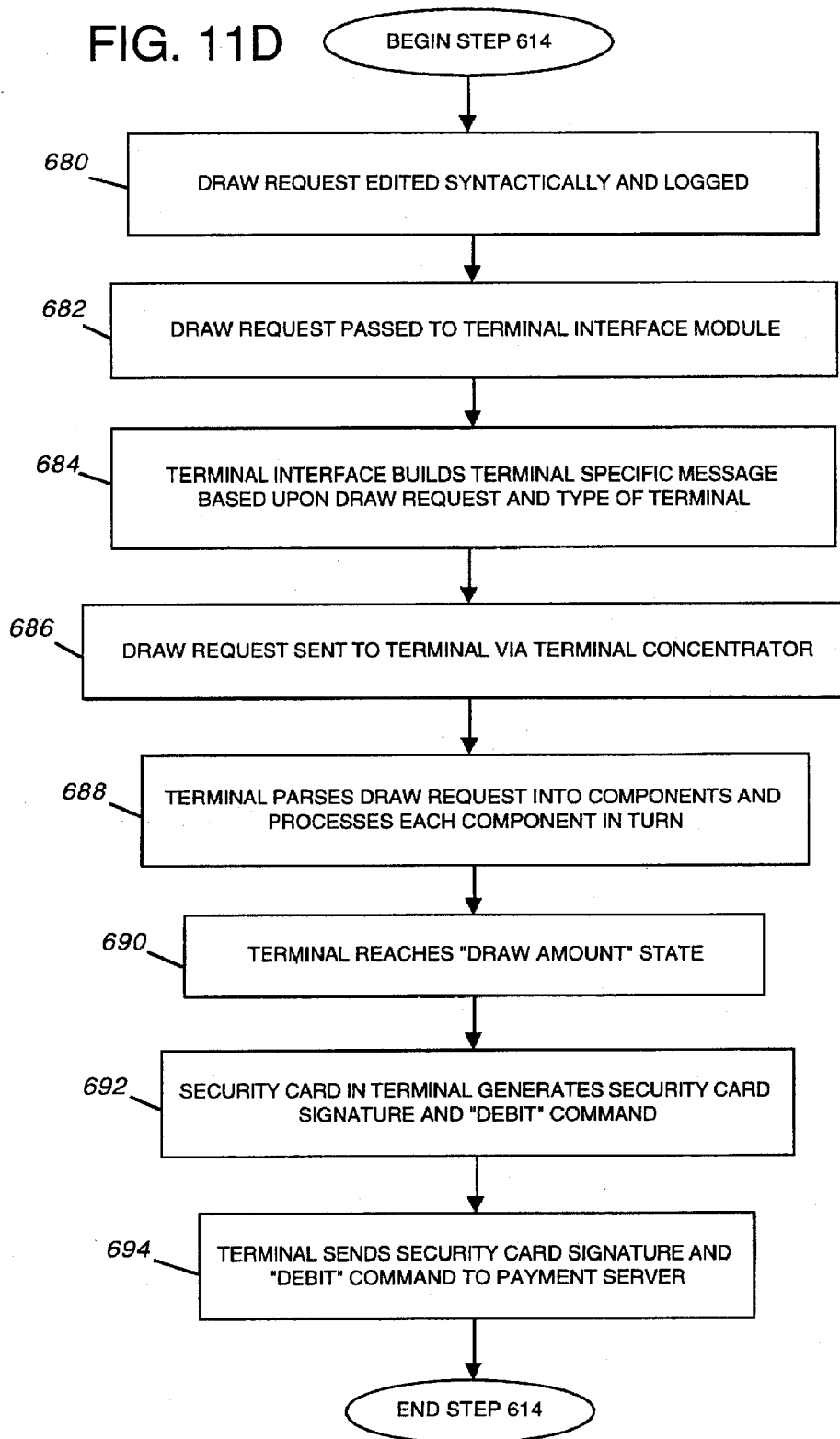
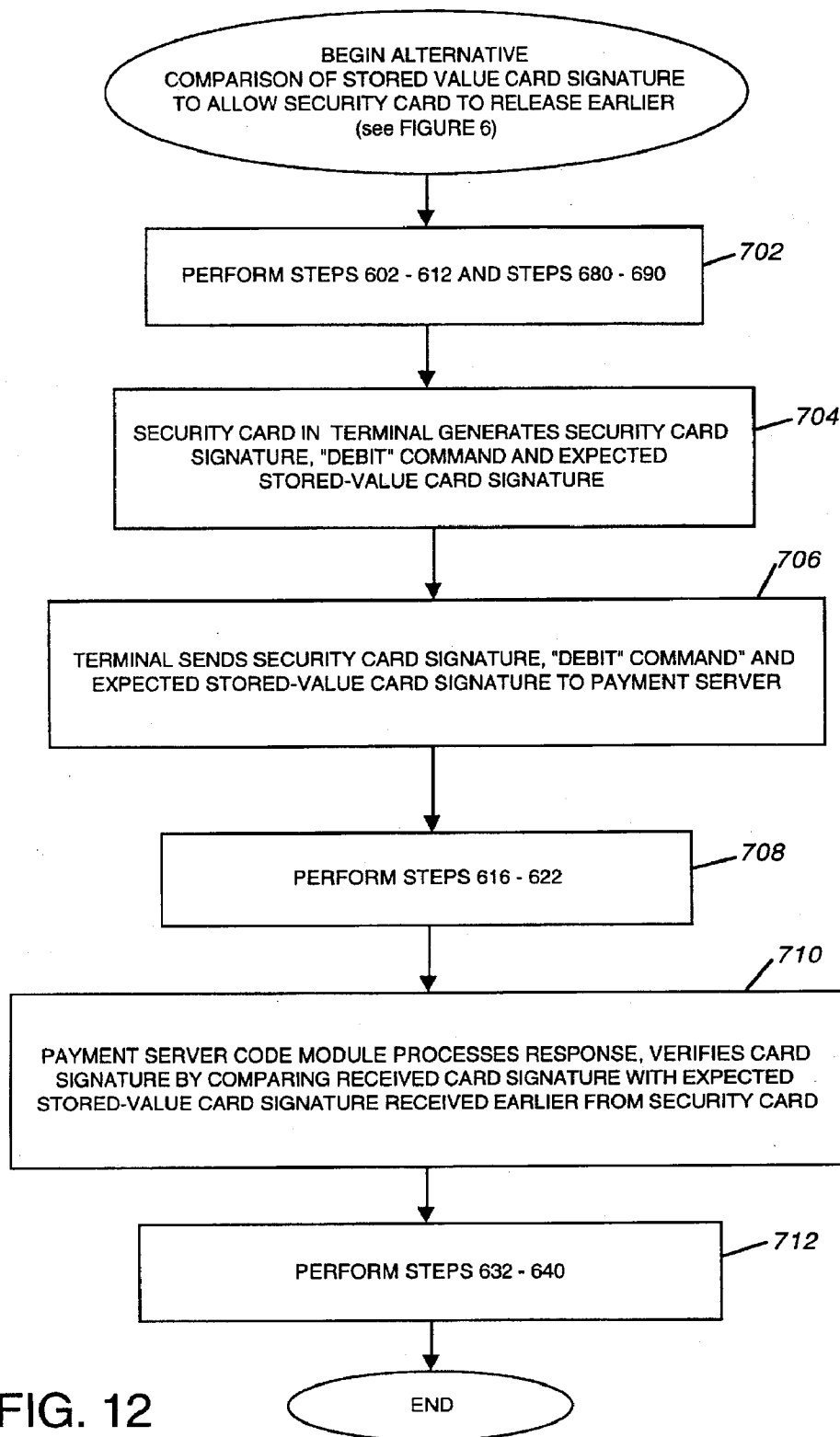
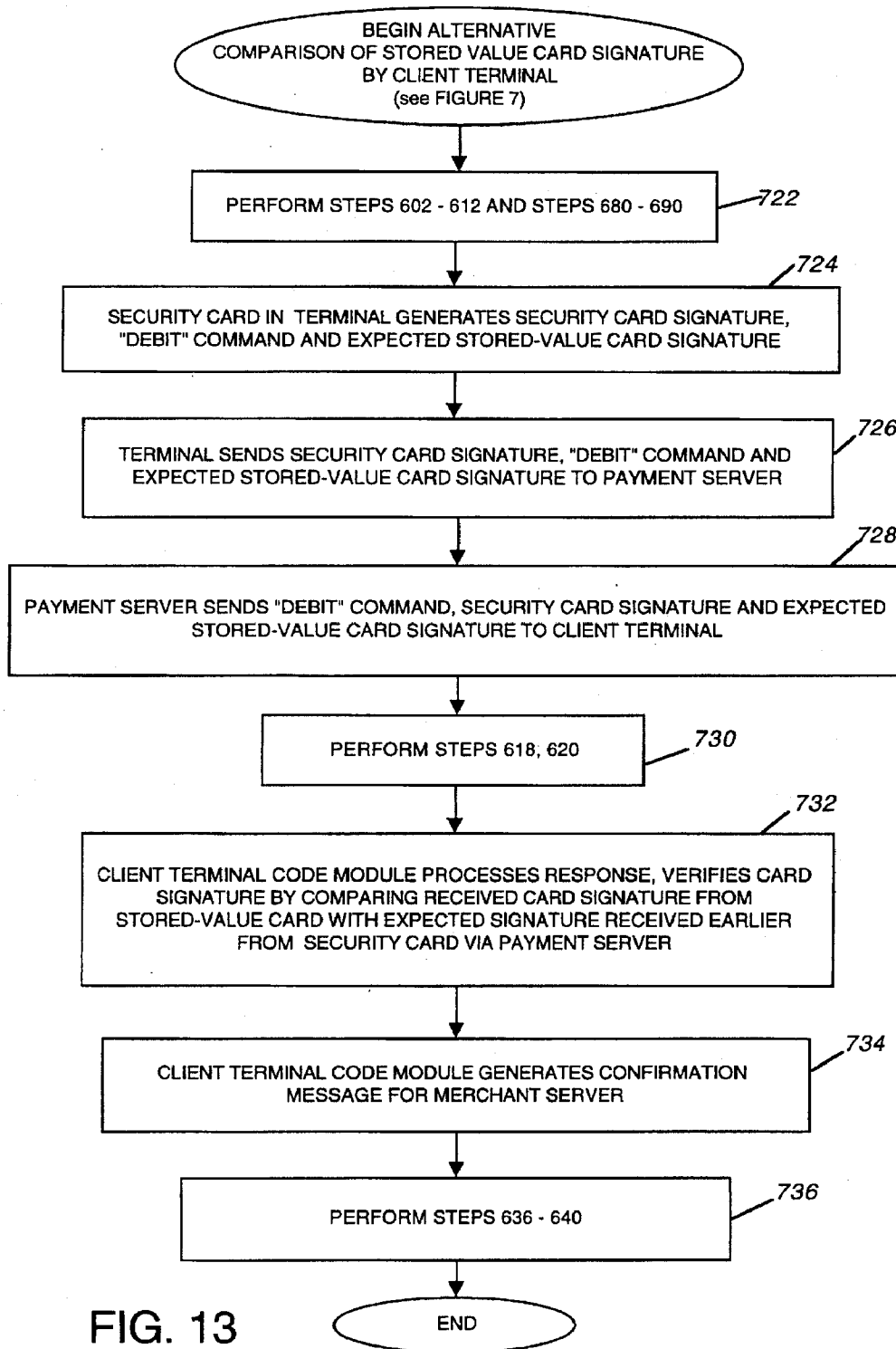
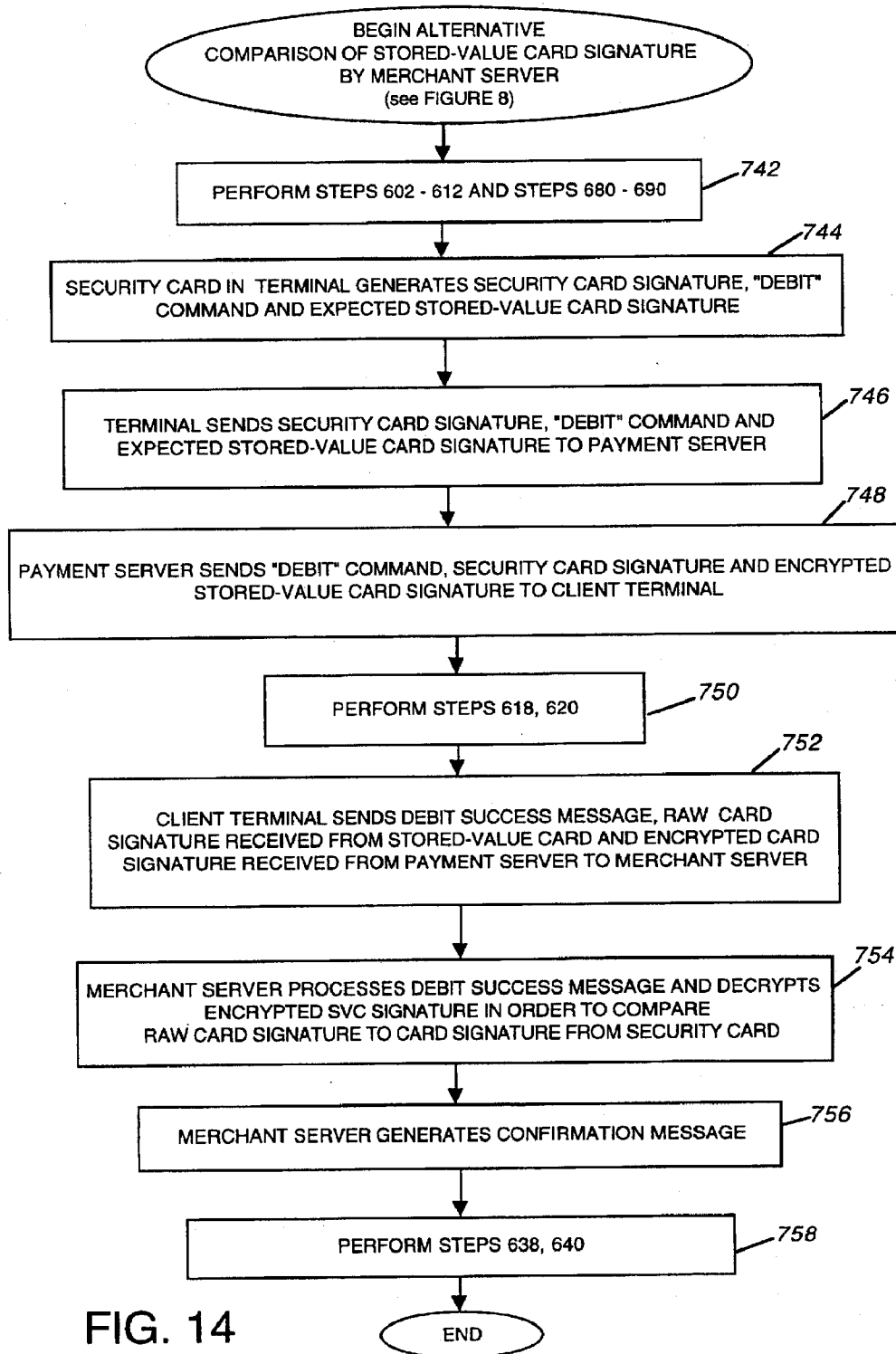


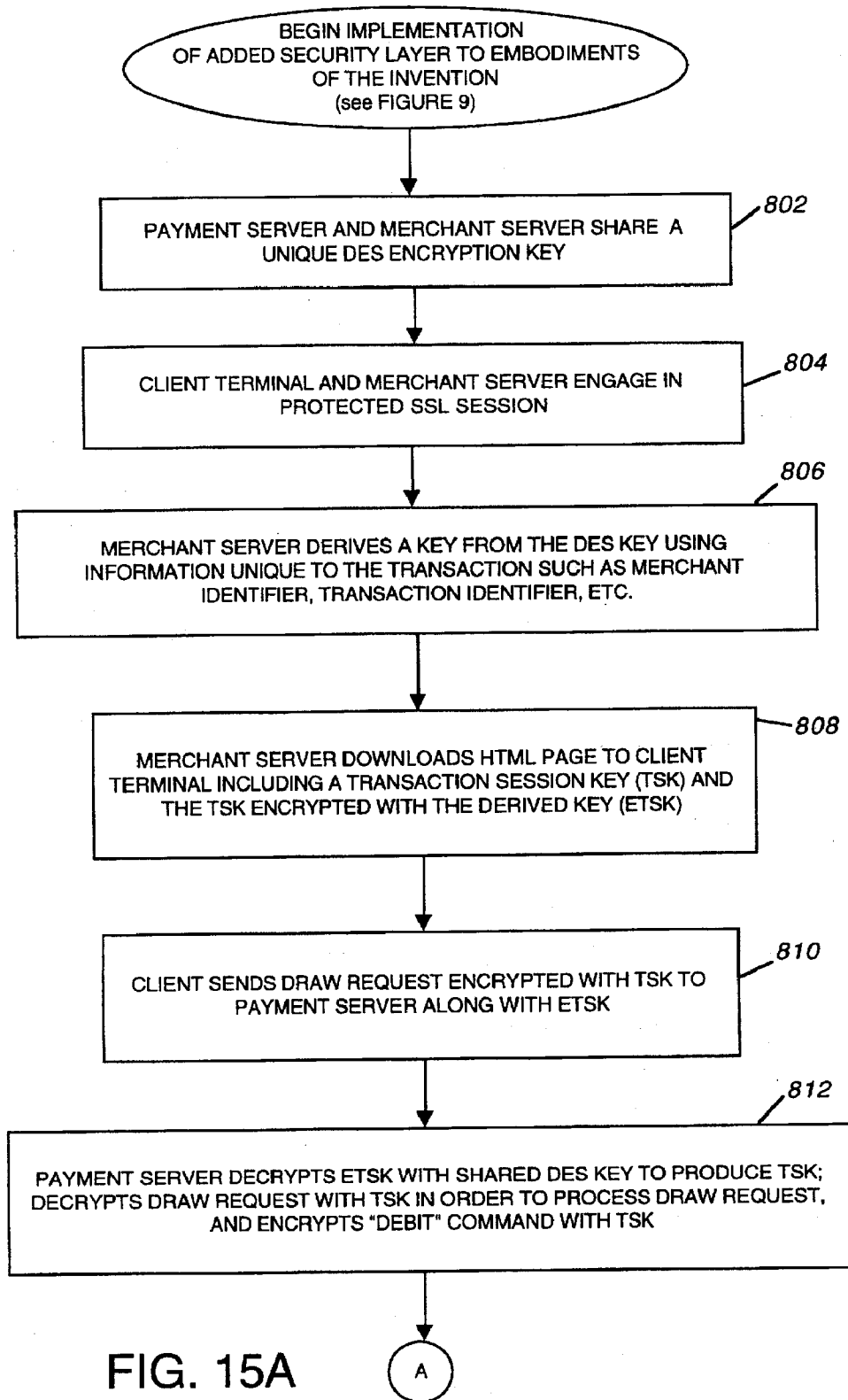
FIG. 11C

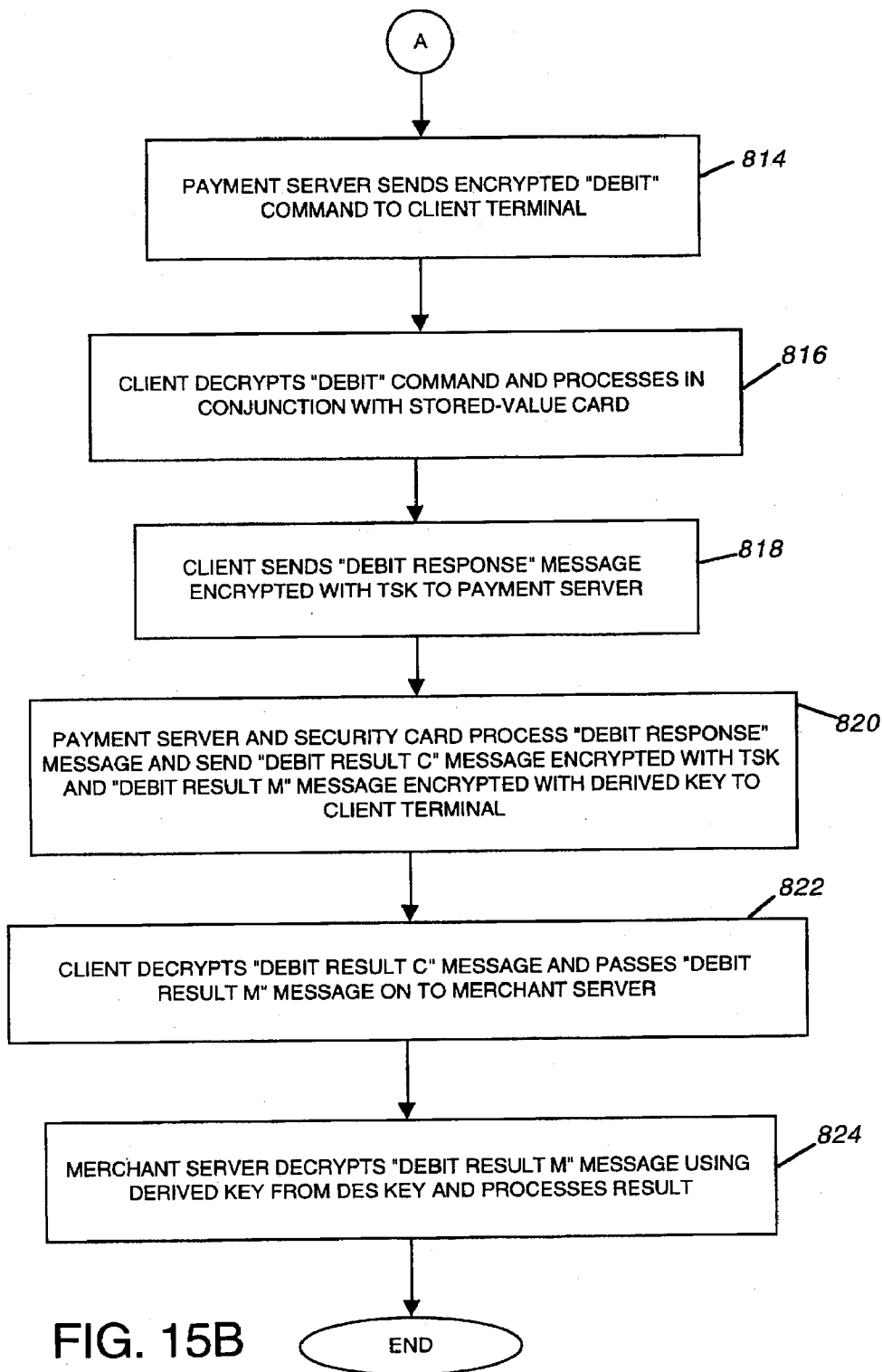












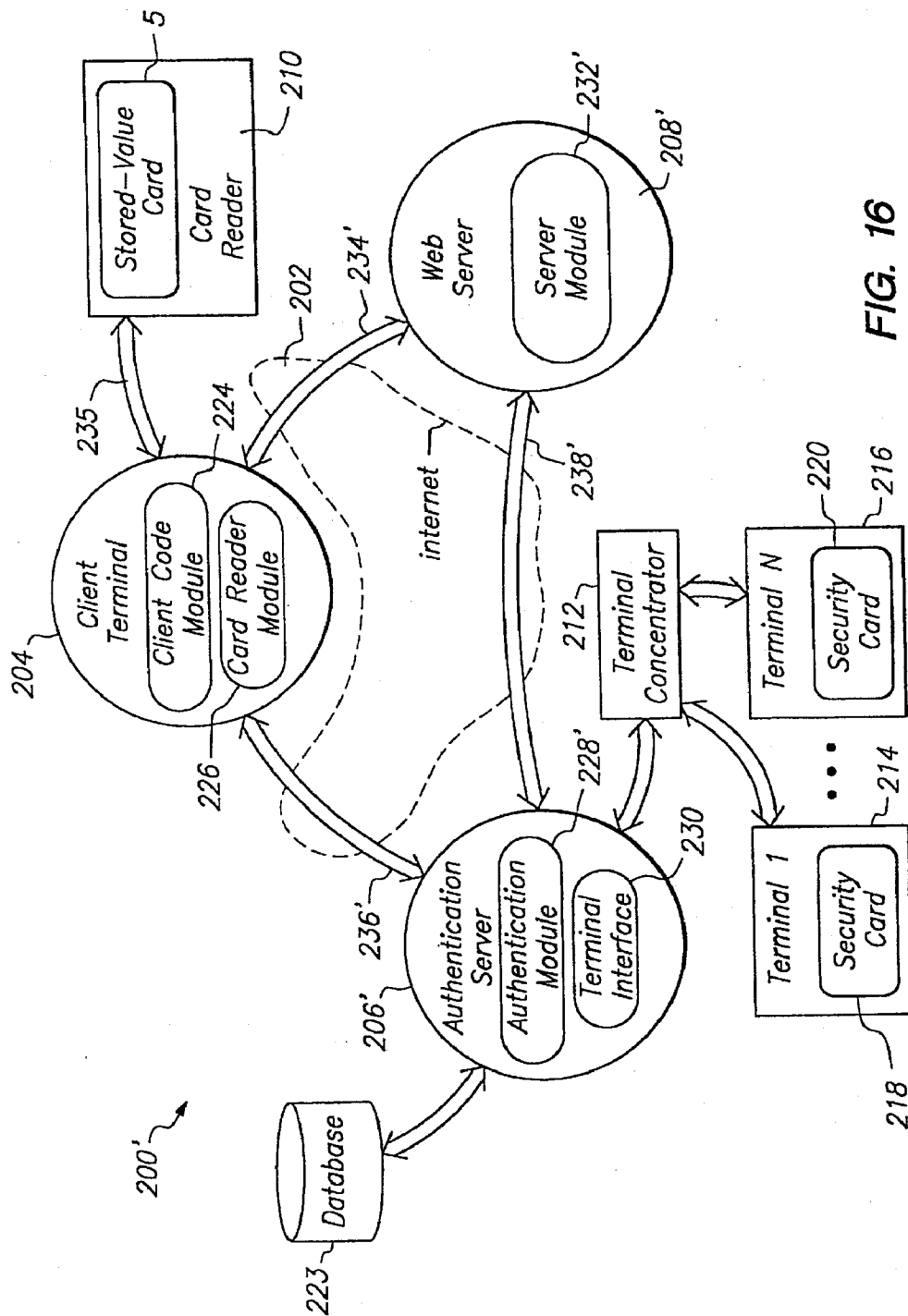


FIG. 16

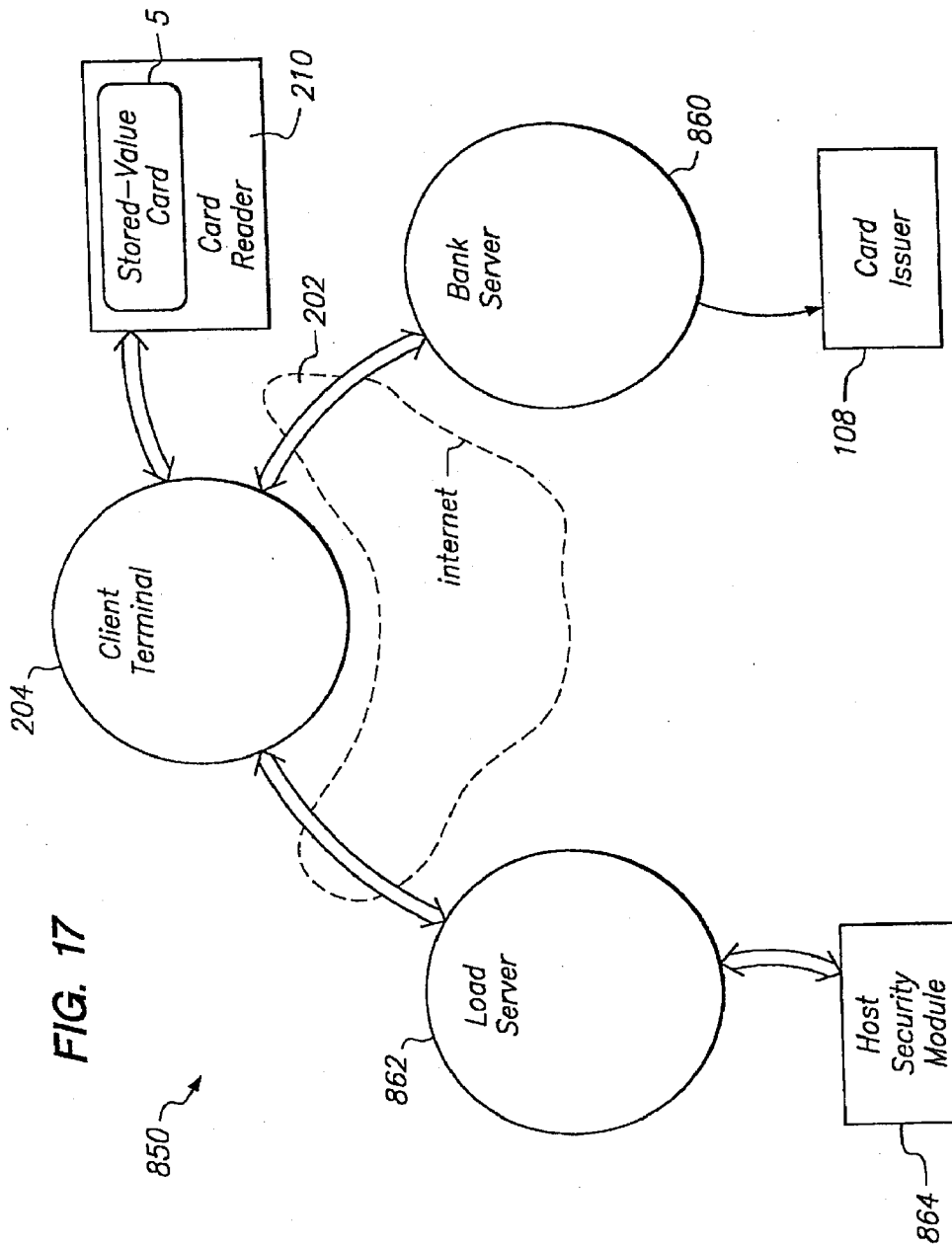


FIG. 18A

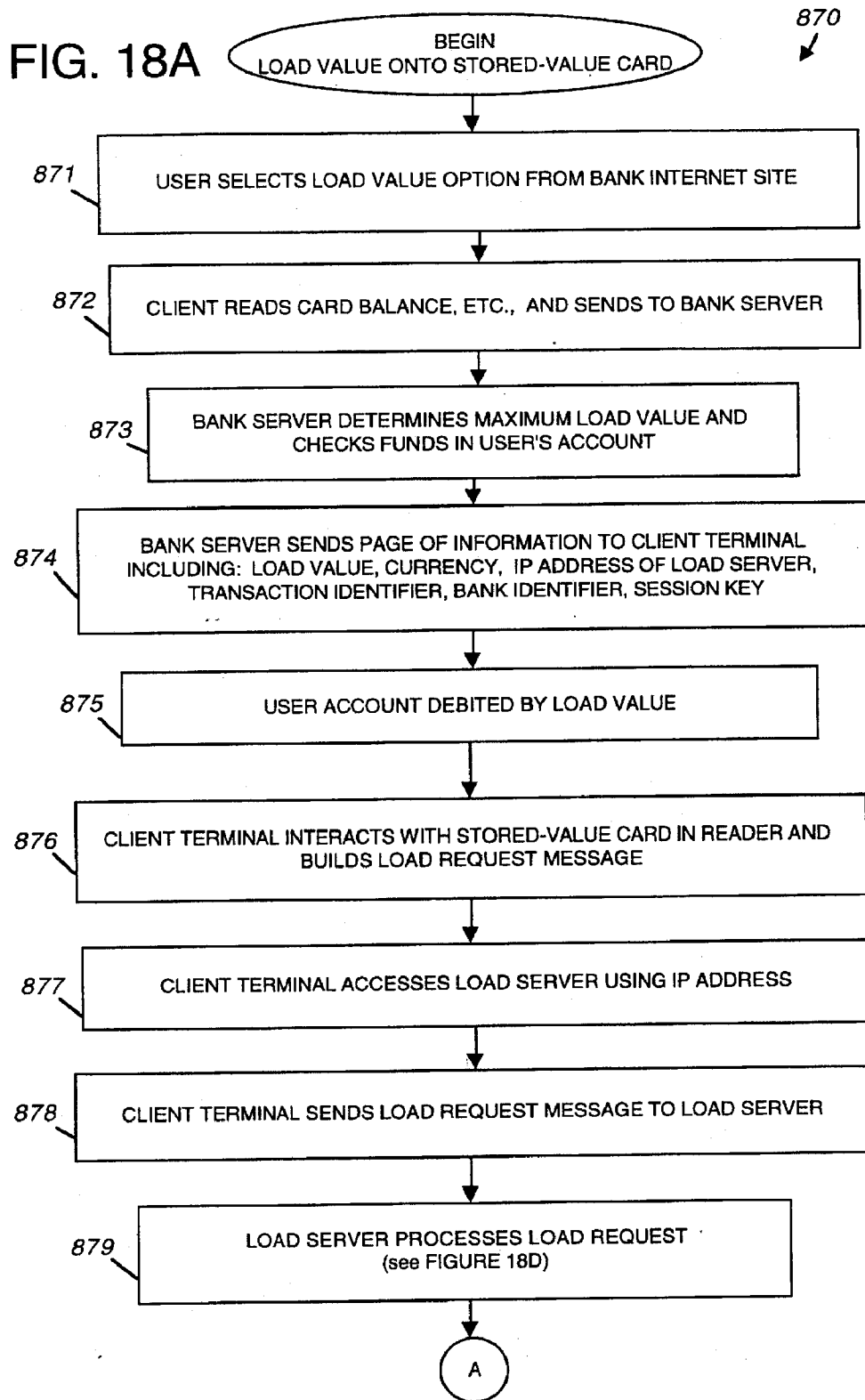


FIG. 18B

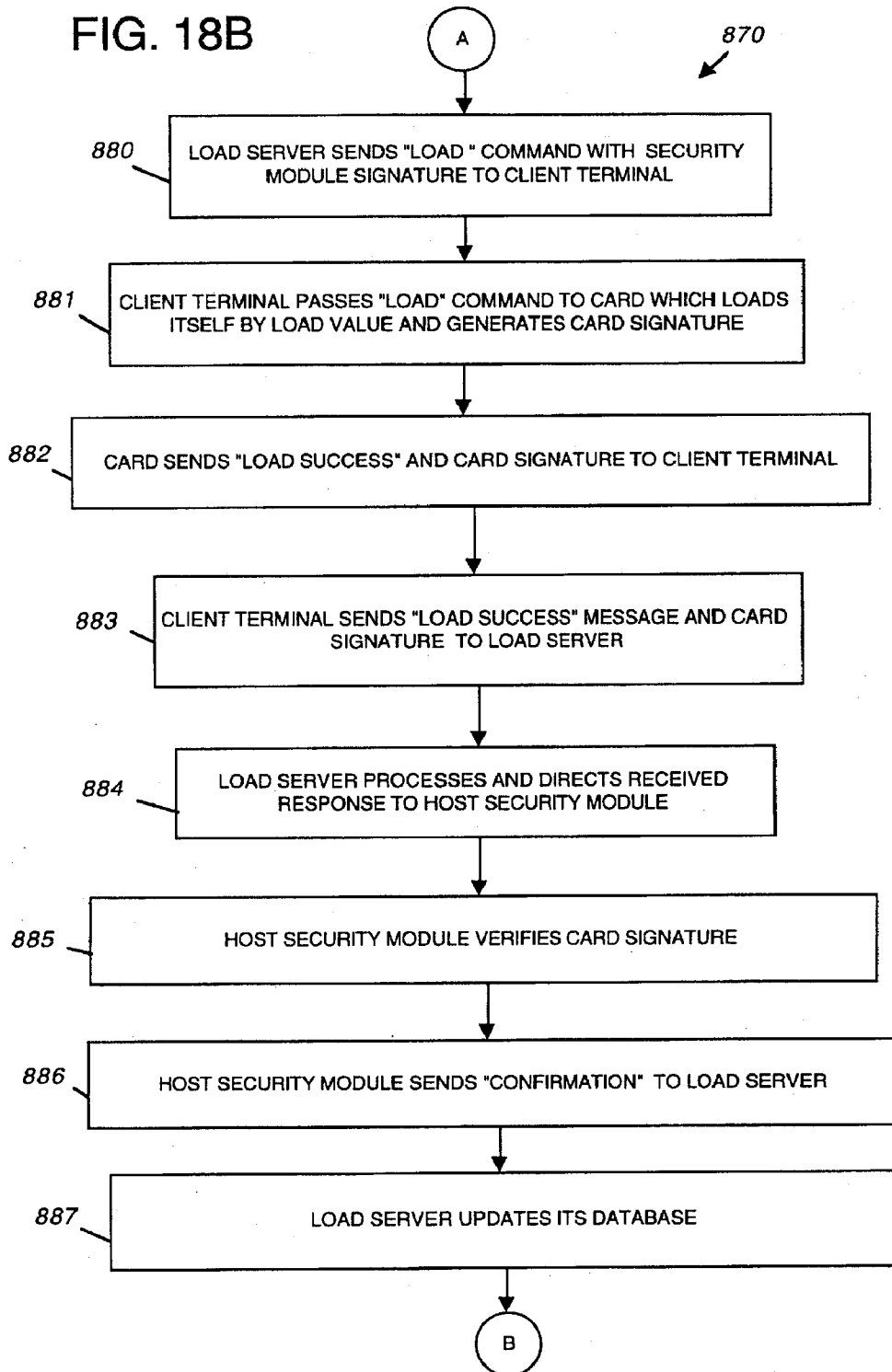


FIG. 18C

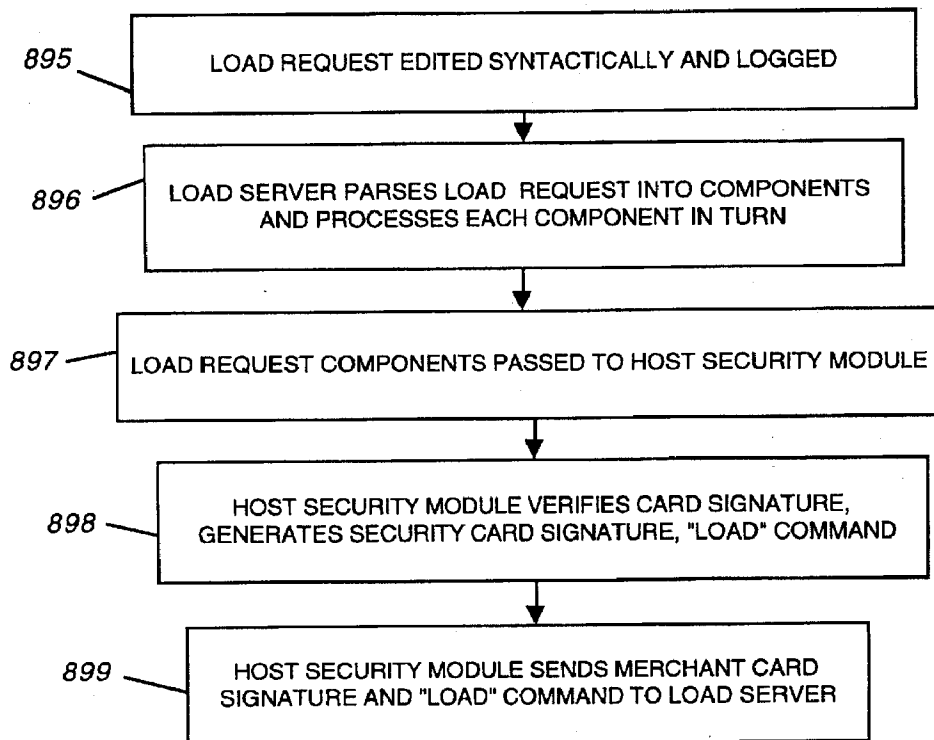
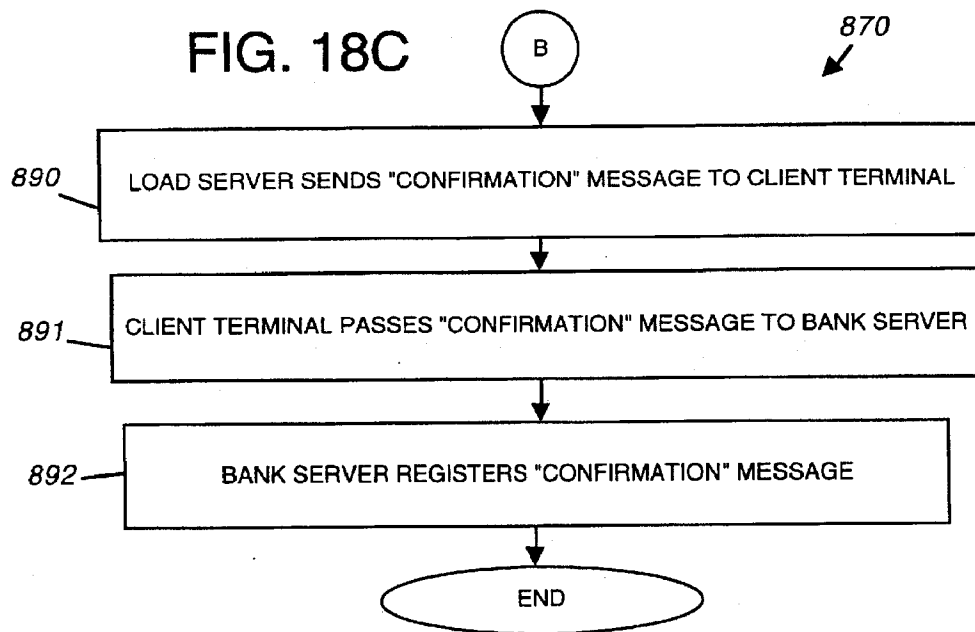


FIG. 18D

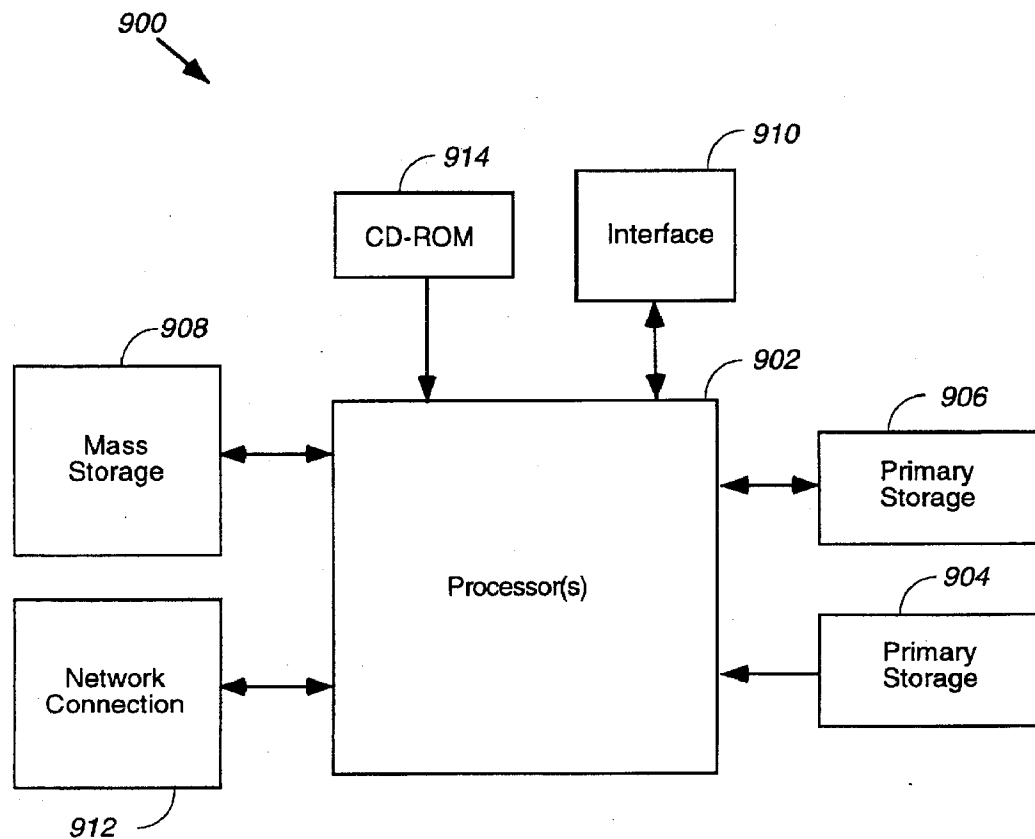


FIG. 19

INTERNET LOADING SYSTEM USING SMART CARD

This application is a continuation-in-part of U.S. patent application No. 08/951,614 by Davis et al., filed Oct. 16, 1997, entitled "Internet Payment Using Smart Card" which is incorporated by reference.

FIELD OF THE INVENTION

The present invention relates generally to a value loading system using a computer network. More specifically, the present invention relates to a value loading system for a smart card using an open network such as the Internet.

BACKGROUND OF THE INVENTION

With the explosive growth in open networks (such as the Internet) over the past several years and the rapid increase in the number of consumers with access to the World Wide Web, there has been a great deal of interest in the development of electronic commerce on the Internet. Traditional financial transactions are being transformed.

A technique for performing financial transactions uses a smart card. A smart card is typically a credit card-sized plastic card that includes a semiconductor chip for holding the digital equivalent of cash directly, instead of pointing to an account or providing credits. One example of a smart card is illustrated in FIG. 1. Of course, a smart card may be implemented in many ways, and need not necessarily include a microprocessor or other features. The smart card may be programmed with various types of functionality, such as a stored-value application; credit/debit; loyalty programs, etc. For the purpose of this disclosure, card 5 is programmed at least with a stored-value application, and will be referred to as "stored-value" card 5.

Stored-value card 5 has an embedded microcontroller 10 that includes a microprocessor 12, random access memory (RAM) 14, read-only memory (ROM) 16, non-volatile memory 18, an encryption module 22, and a card reader interface 24. Other features of the microcontroller may be present but are not shown, such as a clock, a random number generator, interrupt control, control logic, a charge pump, power connections, and interface contacts that allow the card to communicate with the outside world.

Microprocessor 12 is any suitable central processing unit for executing commands and controlling the device. RAM 14 serves as storage for calculated results and as stack memory. ROM 16 stores the operating system, fixed data, standard routines, and look up tables. Non-volatile memory 18 (such as EPROM or EEPROM) serves to store information that must not be lost when the card is disconnected from a power source but that must also be alterable to accommodate data specific to individual cards or any changes possible over the card lifetime. This information might include a card identification number, a personal identification number, authorization levels, cash balances, credit limits, etc. Encryption module 22 is an optional hardware module used for performing a variety of encryption algorithms. Card reader interface 24 includes the software and hardware necessary for communication with the outside world. A wide variety of interfaces are possible. By way of example, interface 24 may provide a contact interface, a close-coupled interface, a remote-coupled interface, or a variety of other interfaces. With a contact interface, signals from the microcontroller are routed to a number of metal contacts on the outside of the card which come in physical contact with similar contacts of a card reader device.

One possible use of a stored-value card by a consumer is illustrated in FIG. 2. FIG. 2 illustrates a block diagram of a customer operated service payment terminal 50. A customer typically uses such a service payment terminal in a face-to-face environment in order to purchase goods in a store or directly from the terminal itself. Service payment terminal 50 can be an attended device or it can be integrated into a self-service device such as a vending machine or public telephone. For example, the service payment terminal may be incorporated into a soda machine in order to dispense sodas to a customer in which the customer pays by inserting the stored-value card. Or, the service payment terminal may be a point-of-sale terminal such as is found at a check-out counter where a customer inserts his stored-value card in order to purchase goods.

Service payment terminal 50 includes a router 51, a user interface 52, a card handler/reader 54, a security card handler 56, a security card 58, a terminal application 60, a data store 64 and a concentration point handler 66. Router 51 is hardware and software for routing information between functional blocks. User interface 52 controls the status of displays on the terminal and supplies instructions to the user. For example, the user interface provides instructions relating to insertion of stored-value card 5 or security card 58. Also, the user interface provides instructions and/or buttons for the customer to interact with terminal application 60 in order to purchase goods and/or services. Card handler 54 provides a physical card reader and associated software for accepting and communicating with stored-value card 5. Similarly, security card handler 56 provides a card reader and associated software for communicating with security card 58. In conjunction with security card handler 56, security card 58 controls the command sequence of the terminal and provides transaction and a batch security.

Terminal application 60 receives commands and information about the transaction and initiates the actual purchase. In addition, terminal application 60 is responsible for all application specific functionality such as guiding the customer through the use of the terminal via a display, and for providing all hardware and software needed to provide the user with a good and/or service once it has been informed by the security card that an appropriate value has been deducted from the stored-value card.

Data store 64 controls the storage of purchase transactions and totals. Concentration point handler 66 controls the sending and receiving of information to and from a concentration point. Concentration point 68 is a staging computer that communicates with any number of service payment terminals to collect batches of transactions. The concentration point then sends these transaction batches to a clearing and administration system for processing (such as in FIG. 3). Once processed, batch acknowledgments, along with other system updates are sent to the terminals via the concentration point. The concentration point ensures a successful transfer of data between service payment terminals and the clearing and administration system, and prevents overloading of the clearing and administration system. The service provider contracts with a concentration point for collection of the service payments. The concentration point may also be an existing central facility such as a telephone company that collects its own payments from card telephones.

Such a service payment terminal 50 allows a customer to use a stored-value card for the payment of goods and/or services, generates a payment result from a transaction, and bundles individual payment results into a collection for transfer to a clearing and administration system, which then transfers funds that had been debited from a customer's

stored-value card to the merchant whose goods and/or services had been purchased from the terminal.

FIG. 3 illustrates an environment 100 useful for issuing stored-value cards and reconciling transactions performed with such a card. A terminal supplier 102 builds the equipment used by a service provider 104 to provide goods and/or services to customers having a stored-value card at a service payment terminal 50. Card Supplier 106 contracts with an integrated circuit manufacturer and a card manufacturer for integrated circuits and plastic card bodies, then embeds the integrated circuits into the cards and initializes them with a serial number. It then delivers the cards to card issuer 108. In conjunction with clearing and administration system 110 (such as a system provided by Visa International of Foster City, Calif.), card issuer 108 personalizes new cards and then transfers these cards to individuals (cardholders 112). The cardholder may then charge the card with value prior to use. Alternatively, the card may come with value already loaded. The cardholder 112 may then use the card at a service payment terminal 50 to purchase goods and/or services from service provider 104. Terminal 50 then debits the value from the card, thus creating a service payment.

Periodically, all transactions are sent in a data file from terminal 50 via concentration point 68 and an acquirer 114 to clearing and batch administration system 110 along with accumulated service payment batches from other terminals. Based upon this collection data, clearing and administration system 110 then receives money from card issuer 108 which had originally come from cardholder 112. Clearing and administration system 110 then transfers a lump sum to acquirer 114 using a suitable settlement service (such as one provided by Visa International) to pay the various service providers having a relationship with acquirer 114. Based upon the previous collection data, acquirer 114 then transfers an appropriate amount of money to each service provider 104 reflecting the value of the goods and/or services that that service provider had provided that day to cardholders based upon deductions from their stored-value cards.

Thus as described above, a variety of goods or services may be purchased using a stored-value card from a merchant having a terminal 50, or over the Internet using a technique such as described in U.S. patent application No. 08/951,614 referenced above.

However, in order to purchase, the card must be loaded with value first. Value can be loaded onto a stored-value card in a variety of ways. Currently, it is inconvenient for a user to load value onto his or her stored-value card. A user must physically travel to a bank or other institution that has an automated teller machine (ATM) or other similar device in order to load value on to his or her stored-value card. The user can insert money into the machine and have a corresponding value put onto the stored-value card, the user can use a debit card to deduct value from the user's account at the bank for transfer to the card, or a credit card can be used as the source of funds to be transferred to the stored-value card. In either case, the user must travel to the bank to load value. Further creating difficulty is that not all banks or other financial institutions have such a machine for loading value onto a user's stored-value card.

Accordingly, it would be desirable to have a technique to allow a user to conveniently and easily load value onto a stored-value card.

SUMMARY OF THE INVENTION

To achieve the foregoing, and in accordance with the purpose of the present invention, an architecture and system

is disclosed that enables a smart card to be loaded with value on-line over an open network such as the Internet. For the purposes of this description, a smart card with a stored-value application used in embodiments of the invention will be referred to simply as a "stored-value card."

In an embodiment of the present invention, a loading technique allows the consumer to conveniently load value on to his or her stored-value card from any suitable device via an open network such as the Internet. A consumer is allowed to use any suitable computer at the home, office or elsewhere in order to connect to his bank or other financial institution. Using appropriate message integrity, value is transferred from the bank to the consumer's stored-value card. At the same time, the corresponding value is transferred from the bank to the stored-value card issuer through existing networks for later settlement with a merchant from whom the consumer purchases goods or services. Advantageously, this embodiment makes use of an existing clearing and administration system for eventual settlement of the transaction between the merchant and the card issuer. Also, the transaction is fully auditable and a log of previous transactions is stored on the card for later display. Thus, a consumer may conveniently load value on to his or her card while a high level of security is maintained and the card issuer can take advantage of unspent funds on the card.

From the consumer's perspective, the present invention operates in a fashion similar to loading a stored-value card at an ATM machine, except that the consumer need not insert cash or an additional debit or credit card, nor need travel to a bank. The loading functionality is distributed across the Internet between the card reading device located where the customer is, a bank server holding the consumer's account, and a load server with a host security module that provides security. All of these entities may be physically remote from one another with router functionality being provided by the Internet.

From the consumer's perspective, the present invention is easy to use. A consumer need not establish a new relationship with a bank or other Internet service company, nor create a special Internet deposit account in order to load value onto a stored-value card over the Internet. A consumer simply makes use of his or her bank account and currently available stored-value cards in order to load value using any conveniently available computing device with a card reader and Internet access.

In addition, once value has been loaded onto the stored-value card, an existing clearing and administration system is used to reconcile the transaction and to pay the appropriate parties once the value has been spent. Advantageously, a new system and methodology for reconciling transactions need not be developed or implemented. The pre-existing clearing and administration system is used which greatly simplifies implementation of the present invention. A participating bank need not implement or become familiar with new procedures for reconciliation of transactions.

Furthermore, a bank need only make a minimal investment in time and money to take advantage of the present invention in order to allow its customers to load value from their existing accounts over the Internet. The bank need not engage in the development of complex custom software or accounting procedures. By incorporating software libraries, a bank is ready to begin loading value onto its customer's cards from its web site. Preferably, libraries are provided that interface with an existing server at a bank to facilitate the building of an HTML page. Because a smart card with a stored-value application is used, the bank server, load server

and client terminal perform the details of the transaction and the bank itself is relieved from having to control and keep track of a transaction. Also, the load server and stored-value card manage and provide security for the transaction. I.e., the bank need not be concerned about security nor be responsible for authenticating a stored-value card nor for determining a balance on the card. Of course, a load server could coexist alongside the bank server or could even be the same computer. That is, a bank could implement load server functionality at its own site if it so desired. In a preferred embodiment, the load server and its security module is provided by a separate financial institution or by a third-party processor.

The present invention also provides benefits to issuers and acquirers. Expansion of the functionality for a stored-value card increases revenue opportunities from cardholders and merchants. In addition, in one specific embodiment of the invention, funds that are loaded onto a card are transferred from the loading bank to the card issuer so that the issuer may take advantage of the funds on the card until they are spent.

The present invention is suitable for use with any type of stored-value card that is able to store an amount and to load a value upon a command. In one embodiment of the invention, a stored-value card implemented as a processor card works well. Use of a processor card has advantages where information processing is done on the card rather than in the terminal or host computer. Processor cards allow encryption to be done by the card, allow generation of signatures, and can accommodate multiple passwords or personal identification (such as biometrics that uniquely identify the holder of the card). Processor cards also provide increased data security, an anti-fraud capability, flexibility in applications, a multi-purpose capability, and off-line validation. Because high telecommunication costs and/or low reliability of a network may make on-line authorization impractical, a stored-value card with the capability for performing off-line processing and authentication by itself is extremely valuable.

In another embodiment of the present invention, a consumer may wish to access any of a variety of Web servers in order to load frequent flyer miles, award points, etc., that he or she has accumulated. In this embodiment, a consumer has accumulated points through any of a variety of programs with airlines, restaurants, rental car companies, hotels, banks, credit or debit card issuers, telephone or other communication companies, etc. These points are stored by the particular airline, etc., that has issued them. The consumer wishes to load these points onto his or her stored-value card in order to redeem them elsewhere; thus receiving airline tickets, meals, car rental, overnight stays, prizes, awards, discounts, or other benefits. By accessing an Internet server associated with the particular program, the consumer is able to load his or her stored-value card in any of the embodiments described herein to receive the benefits of the program, much in the same way that currency is loaded.

BRIEF DESCRIPTION OF THE DRAWINGS

The invention, together with further advantages thereof, may best be understood by reference to the following description taken in conjunction with the accompanying drawings in which:

FIG. 1 is a block diagram of an example of a stored-value card useful in embodiments of the present invention.

FIG. 2 is a block diagram of a service payment terminal in which a stored-value card may be inserted to purchase merchandise.

FIG. 3 is a block diagram of an example of a clearing and administration system useful for reconciling financial transactions received from a service payment terminal.

FIG. 4 illustrates an architecture and system for payment over the Internet using a stored-value card.

FIG. 5 illustrates a payment embodiment of the present invention.

FIG. 6 illustrates another payment embodiment of the present invention in which the security card releases earlier.

FIG. 7 illustrates yet another payment embodiment of the present invention having fewer round trip messages between the client terminal and payment server.

FIG. 8 illustrates still another payment embodiment of the present invention in which the merchant server compares stored-value card signatures.

FIG. 9 illustrates an added encryption layer useful for embodiments of the present invention.

FIG. 10 is a flowchart describing a user's perspective of a stored-value card purchase transaction using the present invention.

FIGS. 11A-11D are a flowchart describing the processing of a user purchase using an embodiment of the present invention.

FIG. 12 is a flowchart describing the alternative embodiment of FIG. 6.

FIG. 13 is a flowchart describing the alternative embodiment of FIG. 7.

FIG. 14 is a flowchart describing the alternative embodiment of FIG. 8.

FIGS. 15A and 15B are a flowchart describing the added security layer of FIG. 9.

FIG. 16 illustrates an architecture and system for authentication over an internet using a stored-value card.

FIG. 17 illustrates a system for loading value onto a stored-value card according to one embodiment of the present invention.

FIGS. 18A-18D are a flowchart describing the loading of a consumer's stored-value card using an embodiment of the present invention.

FIG. 19 is a block diagram of a typical computer system suitable for use in embodiments of the present invention.

DETAILED DESCRIPTION OF THE INVENTION

GENERAL ARCHITECTURE

The present invention separates the functionality involved in a transaction using a stored-value card in order to take advantage of the routing capabilities of the Internet. FIG. 4 illustrates symbolically an architecture 200 for an internet payment system involving a smart card, such as a smart card having a stored-value capability. An internet loading system is shown in FIG. 17 and may have similar functionality as described below. Shown is an internet 202, a client terminal 204, a payment server 206 and a merchant server 208. Local cardholder functions including a consumer card interface, display and accept/cancel options are performed at client terminal 204. Payment functions including security card control, data store and use of a concentration point are performed by payment server 206. The presentation and eventual delivery of goods and/or services by a merchant are performed under control of merchant server 208. The internet 202 performs routing functions between each entity. It should be appreciated that internet 202 may take the form of

the Internet currently in use, or may also be any other open network implemented using any combination of computer, telephone, microwave, satellite, and/or cable networks.

Basically, client terminal 204 controls the interaction with a user and interfaces to card reader 210 which accepts a smart card having a stored-value application. For simplicity, throughout the remainder of this specification, card 5 will be referred to as a stored-value card (SVC) 5. Payment server 206 communicates directly with a terminal or through a concentrator 212 that handles any number of terminals 214-216 each having a security card 218 and 220 respectively. Payment server 206 also communicates with concentration point 68 for transmission of transaction data to a clearing and administration system. Database 223 stores all suitable information passing through payment server 206 for each transaction. Use of such a database allows any number of merchants (or merchant servers) to use payment server 206 for transactions. Payment server 206 controls payment functions such as handling the attached terminals, managing data base 223 and collection functions. Merchant server 208 is a site that has contracted with an acquirer to accept stored-value card transactions as payments for goods and/or services purchased over the Internet.

Stored-value card 5 may take a variety of forms and is useful in many situations where it is desirable to store monetary value on a card that a consumer may use. In general, a stored-value card is any card or similar device that is able to store a value that is decremented when the card is used. The card may be purchased complete with a stored-value or value may be later added to the card by a user. Such cards may also have their value replenished. Of course, a stored-value card need not be in the form of the traditional credit card, but could appear in any form and of any material that is able to store value and be manipulated by a user for a payment transaction. By way of example, other forms that a stored-value card may take are any electronic representations. Further, the functionality of stored-value card 5 may be implemented in software on client terminal 204, that is, card 5 may be a "virtual" card.

A stored-value card may also perform a variety of functions in addition to simply storing value. A card may be dedicated to the storing value or may contain memory and programs for other applications as well. By way of example, an "electronic wallet" refers to a processor card that can execute a variety of financial transactions and identification functions. Such a card may serve debit, credit, prepayment, and other functions. A stored-value card typically includes information such as a bank identifier number, a sequence number, a purchase key, a load key, an update key, an expiration date, a transaction counter, a session key, etc., in addition to a running balance.

A stored-value card may also be termed a prepayment card, a cash card, or a decrement-in-value card. A stored-value card may also be implemented by using a variety of card technologies. By way of example, a stored-value card is typically implemented as a card containing one or more integrated circuits. One example of an integrated circuit card is a memory card that has a semiconductor device for storing information but lacks calculating capability. Another example of an integrated circuit card is a processor card that has not only memory but also a microcontroller to enable the card to make decision. A processor card may also be termed a microprocessor card or a "smart card".

A processor card may include an encryption module in order to provide a variety of security precautions. By way of example, security precautions may include simple PIN

numbers, biometrics, simple algorithms, or sophisticated algorithms such as the Data Encryption Standard (DES) or Rivest, Shamir, Adelman (RSA) encryption. The card is thus able to use these precautions to verify users, card readers, etc., to validate security cards and/or to provide a unique signature. Preferably card 5 includes any number of keys known to the card issuer that are used during the course of a payment or load transaction to generate signatures for validation of the stored-value card, validation of the security card or module, and validation of the system itself.

Client terminal 204 is any suitable device for interacting with a stored-valued card 5 and for communicating over a network to a payment server or a merchant server. By way of example, client terminal 204 may be a mainframe computer, a work station, a personal computer, a kiosk, or any type of service payment terminal that a consumer might use to purchase goods and/or services. Furthermore, client terminal 204 may also be embodied in any portable device such as a laptop computer, a cellular telephone, or any variety of a personal digital assistant (PDA) such as those made by Apple Computer, Inc. or by U.S. Robotics. Card reader 210 is any suitable interface device that functions to transfer information and commands between client terminal 204 and stored-value card 5. By way of example, card reader 210 may be a card reader manufactured by Fischer-Farr International of Naples, Fla., by Hewlett-Packard of Palo Alto, Calif., by Schlumberger, by Gem Plus, etc. Card reader 210 may take any variety of forms such as a stand alone unit, integrated with the client terminal, attached to the keyboard of the client terminal, or even built in to a floppy disk-sized unit capable of being read from a disk drive of the client terminal, etc.

Client terminal 204 includes client code module 224 and card reader module 226. Reader module 226 may be implemented using any suitable software and libraries for communicating with card reader 210 and its actual implementation will depend upon the type of card reader used. Client module 224 controls communication between the client terminal, the card reader, the payment server and the merchant server. Client module 224 may be implemented using any suitable code. In one embodiment of the invention, client module 224 is implemented using a combination of "C" code and a Java applet. The applet is also supplemented with parameters from an HTML page sent from the merchant server. It is contemplated that Java code works well for implementing the modules on the client, payment and merchant servers because it is platform independent, and could even replace the "C" and "C++" code used.

Client module 224 is also responsible for controlling displays to the user and for the interaction between the card and the card reader. The module also builds the draw request message after receiving all of the start-up information from the card and the amount of the purchase from the merchant server. The client module is able to communicate with all components on the Internet, either directly or indirectly.

Payment server 206 includes payment code module 228 and terminal interface 230. As with client terminal 204, payment server 206 may be implemented using any suitable computer. By way of example, a personal computer works well. There may be one payment server for each merchant server or a single payment server may service any number of merchant servers. Alternatively, there may be multiple payment servers for a single merchant. In addition, payment server 206 need not be remote from merchant server 208 but may be located at the same site and have a different Internet address, or the payment server and the merchant server may even be implemented on the same computer. Payment server

206 is designed to facilitate the communication between the user's stored-value card and a terminal's security card. If a part of a transaction fails to complete, the payment server may notify the participating system components.

Payment module 228 may be implemented using any suitable code. By way of example, payment module 228 is implemented using a combination of "C" code, "C++" code and Java code. Payment module 228 is, in one specific embodiment, a multi-threaded process that can service multiple concurrent client applet transactions on demand. The module is responsible for controlling all interactions with the terminals and their concentrator including the transaction collection function. For individual transactions, the payment module controls the message flows and logs interim results. When an applet connects with the payment server, it creates a transaction thread to support the transaction through its life cycle. Each thread, in turn, assigns a terminal for communication. Having a one-to-one correspondence between transaction threads and terminals has been found to provide desirable results.

Terminal interface 230 is any suitable set of software and libraries for communicating with a terminal 214 either directly or, as shown, through terminal concentrator 212. The actual implementation of terminal interface 230 will depend upon the type of terminal used. A terminal such as 214 may be any suitable terminal such as are known in the art. By way of example, an iq Delta 2010 terminal made by Schlumberger has been found to provide desirable results. Such a terminal may support a variety of commands originating from the terminal interface. These commands emulate the normal responses that an attached terminal would pass from the stored-value card to the security card. The actual security card commands are held in the terminal while the terminal performs the tasks necessary to simulate the presence of a stored-value card.

Security card 218 may be any suitable security card such as are known in the art (often referred to as a Purchase Secure Application Module—PSAM). In other embodiments, the functionality of security card 218 can be replaced by a hardware security module, could be implemented in hardware within the payment server, or could even be implemented in software.

By way of example, security card 218 is a removable credit card-sized processor card that is programmed to process and store data relating to financial transactions. Security card 218 contains a microchip embedded in the card that enables the security card to authenticate and to validate the user's stored-value card. If a user stored-value card is accepted by the security card, and the stored-value card contains sufficient value, the security card guarantees that the merchant providing the goods and/or services receives payment according to the amount deducted from the stored-value card for the goods and/or services rendered. In a preferred embodiment, the security card also contains DES purchase security keys and authenticates the stored-value card during a purchase transaction and secures the payment and collection totals. A security card also stores signature algorithms for stored-value cards in use. A security card may also contain a transaction identifier for the current transaction, a financial sum of all transactions remaining to be settled, a session key, and master keys for all stored-value cards in use. Further, the security card may contain generations of keys, blocked card indicators, date of last update, multiple card programs, different currency rates and additional security.

Concentration point 68 is a staging computer that communicates with terminals to collect batches of purchase

transactions. The concentration point then sends these transaction batches to a clearing and administration system for processing. Once processed, batch acknowledgments, along with other system updates, are sent back to the terminals via the concentration point.

Merchant server 208 includes a merchant code module 232. Merchant server 208 may be implemented upon any suitable computer capable of communicating with and presenting information to users over an internet. Merchant code module 232 may be implemented using any suitable code. By way of example, merchant module 232 may be implemented using a combination of Perl, HTML, and Java code. Merchant server 208 is typically a generic web server customized for the merchant's business. Merchant server 208 may include databases, CGI scripts and back-office programs that produce HTML pages for an Internet user.

A brief discussion of the flow of a transaction now follows. During a financial transaction, the client terminal and merchant server exchange information 234 via internet 202. Each transaction initiated by a user has a transaction identifier created at the merchant server, and a merchant identifier unique to the payment server is also available from the merchant server. Client module 224 and the payment server also use this unique transaction identifier for tracking and logging information about the transaction. Merchant server 208 generates a unique identification of the transaction, completes other required parameters, encrypts as appropriate, and builds an HTML page and sends it to the client terminal. The client module interacts 235 with the stored-value card and builds a draw request message containing related card information, the purchase amount, and other information supplied by the merchant server.

The client terminal then communicates 236 with payment server 206, first by forwarding the draw request to the payment server. Payment server 206 verifies the transaction to determine if it is a valid transaction from a known merchant. The transaction is logged into the payment server's transaction database 223. Upon completion of a transaction, payment server 206 builds a result message containing the identification of the transaction and signs it. The message is then routed to merchant server 208 via client terminal 204. Merchant server 208 then validates the result message. After determining that the transaction was successful, merchant server 208 creates an HTML page for the purchased information and sends it to client terminal 204. Alternatively, the merchant may also deliver purchased goods to the user at this point. It is also possible for the payment server and the merchant server to communicate information 238 directly between themselves. Preferably, as client terminal 204 has already established communication with the merchant server and the payment server, links 234 and 236 are used to exchange information between the payment server and the merchant server, rather than establishing a new link 238.

USER PERSPECTIVE OF A PAYMENT TRANSACTION

FIG. 10 is a flowchart describing an embodiment of the present invention from a user's perspective such as may occur with the embodiment of the invention shown in FIG. 4. In step 502, a user acquires and adds value to a stored-value card. Alternatively, a user may acquire a stored-value card that already contains value. This stored-value card may take the form of any of the above-described stored-value cards that are able to store value and to debit value from the card. In step 504 the user accesses the merchant server web

site via communication link 234 over the Internet. This access of a web site may be performed in any suitable fashion such as by using any commercially available web browser. In step 506 the user inserts a stored-value card in card reader 210 at the user's terminal. Alternatively, the user may insert the card before accessing the web site, or even after the selection of goods and/or services from the merchant web site. In step 508 the user browses the merchant web site and selects goods and/or services for purchase from the merchant using the web site interface that the merchant has provided. The user then selects an appropriate button on the merchant web site to indicate what the user wishes to purchase. Next, in step 510 the user receives a total sale amount from the merchant server and is directed to actuate a button on the web site indicating that the user wishes to proceed with the purchase using the stored-value card.

In step 512 the architecture and system of the present invention (such as is shown in FIG. 4, for example) processes the user order by way of the payment server, terminal and security card. In step 514, the user's stored-value card is debited by the total sale amount and the user receives a "debited" message at the user's terminal. This message is optional if the system is designed so as to not inform the user of this debit. In step 516 the user receives a confirmation message from the merchant server indicating that the transaction has been completed. The user may now download the purchased information and/or receive a receipt for goods and/or services to be rendered or delivered from the merchant at a later date. In step 518 the merchant, via a clearing and administration system, receives payment to its bank account for the goods and/or services rendered by way of information collected from the payment server. In one embodiment of the invention, an existing clearing and administration system is used, as well as an existing methodology for transferring information from a security card for later reconciliation. This use of an existing "back end" allows systems of the invention to be implemented quickly and cheaply. This approach also ensures that cards used in the system are compatible with other stored-value terminals.

DETAILED PAYMENT TRANSACTION FLOW

FIG. 5 illustrates a detailed embodiment of internet payment architecture 200 having client terminal 204, payment server 206 and merchant server 208. A stored-value card 5 is in communication with client terminal 204, and a security card 218 inside a terminal 214 is in communication with payment server 206. Not shown for simplicity in this figure are other elements of the system shown in FIG. 4. One embodiment of a technique by which a financial transaction may be completed over the Internet will now be described using the flowchart of FIGS. 11A through 11D with reference to FIG. 5.

It should be appreciated that a wide variety of terminology may be used to describe message flow throughout the architecture. For example, the terminology used herein to describe the sequential messages draw request, debit, success, and confirmation, may also be referred to by the respective terminology: draw request, debit IEP, debit response, and debit result (or message result).

Initially, a suitable web browser of client terminal 204 is used by the user to access a merchant server web site as indicated by 302. In step 602, the user selects goods and/or services from the merchant site and indicates to the site that the user wishes to purchase these items using a stored-value card as indicated at 304. In step 604 the merchant server receives this request for a stored-value card transaction.

In step 606 the merchant server builds an HTML page that includes the following client applet parameters: the total cost of the transaction as determined by the merchant server; the type of currency being used; the port and IP address of the payment server; a unique transaction identifier used by both the payment server and the merchant server to track a transaction; and a unique merchant identifier assigned to the merchant by the acquirer and known to the payment server. Other information may also be included such as the currency's exponent, a status URL address of the merchant server used for communication from the client terminal, and a merchant server generated key and other security information to ensure the identity of the merchant server and the integrity of the message. Other process related information such as software release level, encryption methodology and keys may also be conveyed. Once this page has been built, the page is sent 306 to the requesting client browser and triggers the loading of the client code module (in this example a Java applet) in the client terminal.

Some browsers may not allow an applet to invoke a dynamic link library (DLL) due to security reasons. In an embodiment of the present invention, the client applet along with any DLLs needed are preloaded on the client terminal. Then, the merchant server is allowed to invoke the client applet and DLLs dynamically to circumvent this security precaution.

In step 608 the client module of the client terminal interacts with stored-value card 5 to obtain card information 308 in order to build a draw request message for later transmission 310 to payment server 206. In one embodiment of the invention, the client applet loads a local DLL, makes an API call to that library, which in turn makes a call to another DLL that finally makes a call to the card reader. In this fashion communication with the card is achieved. Once responses from the card are received, the client module will also combine these responses into a byte stream suitable for transmission over a network to a payment server. Also at this point, the currency type and expiration date on the card are checked, and the total cost of the ordered merchandise is checked against the card balance to ensure that the value on the card is great enough to cover the transaction. If the checks are not successful, a message to that effect is delivered to the user and this transaction terminates.

The client module emulates a variety of security card commands to receive responses from these commands from the stored-value card. Because the stored-value card and the security card are now physically separated from one another, and communication takes place over the Internet, it would not be advantageous to engage in numerous commands and responses over such an open network. In the interest of speed and reliability, it is advantageous to have fewer messages exchanged.

To operate securely and reliably in this environment, in one embodiment of the present invention, client module 224 emulates a security card and gathers all the responses for transmission in one draw request message. The draw request message may include a variety of information including a draw request token, state information, the merchant identifier, the transaction identifier, security information, a purse provider identifier, an intersector electronic purse (IEP) identifier, an algorithm used by the card, an expiry date, the balance of the card, a currency code, a currency exponent, the authentication mode of the IEP, the transaction number of the IEP, a key version and the purchase amount. As all of this information is prepackaged into a single draw request message, the number of messages between the stored-value card and the security card over the Internet is greatly reduced.

In this embodiment, the draw request message is built by packaging the stored-value card's response to the "reset" and "initialize" commands and any public key certificates along with the total cost and the currency of the transaction received from the HTML page. For public key cards, the card and issuer certificates are obtained from read commands and may also be included in the draw request. By packaging all of this information together into one draw request message, it is possible to cut down on the number of messages exchanged between the client server and the payment server, and reliability and speed is improved. In one embodiment of the invention, an intersector electronic purse (IEP) protocol is used to reset and initialize the card and to receive a response.

Next, in step 610 the client terminal accesses the payment server using the IP address received from the merchant server. In step 612 the client terminal sends the draw request message to the payment server as indicated at 310. The client terminal also creates a log of this message being sent.

In step 614 the payment server processes the draw request in conjunction with an associated security card as will be explained in greater detail below with reference to FIG. 11D. Draw request 312 is shown being sent to terminal 214. In one embodiment of the invention, the payment server creates a transaction thread for each connected client module to service it through the life cycle of the transaction. After step 614, the payment server has received a debit command and a security card signature 314 from the security card in the terminal. This debit command may also be termed a "debit IEP" command. The security card signature is a value that uniquely identifies and validates security card 218 to prove to stored-value card 5 that the incoming debit command is a valid command from a real security card. This validation ensures that when the stored-value card is debited, that the financial totals in the security card are updated. Thus, the user of the stored-value card is guaranteed that a valid debit of the card has occurred. In a preferred embodiment of the invention, the security card signature is an encrypted value ensuring that no other entity can forge an identity of a security card.

In step 616 the payment server sends the debit command along with the security card signature to the client terminal as indicated at 316 for the stored-value card to debit itself. At this time, the payment server also logs this debit command into its database.

In step 618, upon receiving the debit command from the payment server, the client module replaces the amount in the debit command with the original amount (from the merchant server) to ensure that the amount has not been tampered with while traveling over the network. At this time, the client module also creates a log of the debit command. Client module 224 then passes 318 the debit command and security card signature to stored-value card 5 which verifies the signature, debits itself by the purchase amount, and also generates a success message (also termed a "debit response" message) and a stored-value card signature. The stored-value card signature is a unique value identifying a valid stored-value card. In a preferred embodiment of the invention, this signature is in encrypted form to prevent tampering. If card 5 does not have enough value to satisfy the purchase amount, then the "debit response" message indicates as such.

In step 620, card 5 sends a success message 320 along with the card signature back to client module 224 in client terminal 204. This success message may also be termed a "debit response" message. At this point, the purchase

amount has been deducted from the balance on stored-value card 5. Next, in step 622, client module 224 packages the success message along with the card signature and sends them back to payment server 206 as indicated at 322. Client module 224 also logs the result of this stored-value card debit.

In step 624 the payment server receives incoming message 322 and creates a log and updates the transaction status in its database for future error recovery. The payment server then directs this received message to the security card in the terminal as indicated at 324. Next, in step 626 the security card processes this response from the client's terminal and verifies the received stored-value card signature.

As the security card contains the keys and algorithms necessary to compute stored-value card signatures, the security card is able to validate that a received stored-value card signature is in fact a valid one by comparing this stored-value card signature with a generated expected value. A successful comparison indicates that a success message 324 received from the stored-value card is in fact a valid success message and that the stored-value card has been debited. An error result code or a comparison that is not successful potentially indicates that the stored-value card has not been debited by the proper amount. This comparison of stored-value card signatures by the security card ensures that a stored-value card is in fact debited before the merchant server is directed to release the purchased merchandise. This comparison of the stored-value card signature to an expected value is performed by the security card for the highest level of security. As will be described in the embodiments of FIGS. 6, 7, and 8, this comparison of stored-value card signatures may also take place in the payment server, in the client terminal or in the merchant server with a variety of other advantages. Assuming that the transaction is so far valid, in step 628 the security card sends a "confirmation" message back to the payment server as indicated at 326. This confirmation message may also be termed a "message result."

In step 630 the terminal updates its data store with the stored-value card number, a transaction count, the total sale amount, the response from the security card, and transaction numbers from the stored-value card and from the security card. The payment server also logs the response received from the terminal including the merchant identifier, etc., as indicated in step 632. Next, in step 634, the payment server creates a confirmation message including the transaction identifiers and sends this message to the client terminal in encrypted form as indicated at 328. This message 328 may also be termed a "message result."

By sending this confirmation message in encrypted form, the confirmation message may be passed to the merchant server by way of the client terminal without fear of tampering. As the confirmation message is encrypted, it would be extremely difficult for the client terminal or another entity to forge a confirmation message and trick the merchant server into thinking that a transaction had taken place. In another embodiment of the invention, if the client terminal is a trusted agent, then the confirmation message need not be encrypted. In yet another embodiment, the payment server may send two confirmation messages, one not encrypted for the client to process, and one encrypted for the merchant server. FIGS. 15A and 15B present an embodiment in which the payment server sends two messages to the client terminal.

At this point, the transaction thread of the payment server that was used for the current transaction may release the

terminal, thus allowing the terminal to be used by other transactions. This transaction thread then exits at this time.

In step 636 the client terminal then passes this confirmation message 330 on to the merchant server at the URL address previously received from the merchant server. Message 330 may also be termed a "message result." The client may also post a message to the user informing that the debit has been completed. The client also logs confirmation of the payment. In step 638 the merchant server registers this confirmation message and checks for success. The merchant server calls a validate routine within the merchant code module with the confirmation message in order to validate the response from the client. The validate routine is able to take the transaction identifier along with the encrypted confirmation message to decrypt the confirmation message. If the decrypted confirmation message is acceptable, the merchant server then determines a successful transaction has occurred. Next, in step 640 the merchant server generates an HTML page with the purchased information and delivers this information to the client terminal. Alternatively, the merchant server may generate a purchase receipt to deliver to the client terminal indicating goods and/or services to be rendered. At this point, the client terminal may also log the merchant server's response. Completion of these steps indicates a successful financial transaction over the Internet using a stored-value card.

Returning now to a more detailed discussion of step 614, FIG. 11D describes one technique for processing a draw request message in conjunction with a security card. Once this draw request message has been received by the payment server and passed along to the terminal, the terminal parses the message back into individual responses and passes these responses sequentially to the security card as will be explained below. In an alternative embodiment, a dumb terminal is used and the draw request is parsed into its components and otherwise processed by the payment server, which then sends the responses to the security card itself.

In step 680 the payment code module of the payment server edits the draw request for syntactic correctness and logs the draw request message as being received. In step 682 the draw request is passed to the terminal interface module of the payment server. In one specific embodiment, the terminal interface then requests a terminal from the payment server's terminal pool. The payment server has a pool of terminals connected to the terminal concentrator that is established at start-up. At start-up, the payment server receives a list of all valid terminal identifiers. The payment server uses these identifiers, and its knowledge of transactions in progress to determine an appropriate terminal to process the transaction. Once a terminal is determined, the terminal interface builds a terminal specific message based upon the draw request and the type of terminal.

In step 686 the terminal specific draw request 312 is sent to the chosen terminal via the concentrator over a local area network. The concentrator acts as a router between a transaction thread in the payment server and its corresponding terminal. The concentrator looks at a header on the draw request to determine to which terminal the transaction should be routed. In one embodiment of the invention, concentrator 212 is removed and payment server 206 communicates directly with terminal 214 (for example).

In step 688 the terminal parses the draw request message into its various components and processes each component in turn to emulate a stored-value card interacting with the security card in a physical terminal. Prepackaging of a variety of information into the draw request message results

in fewer exchanges over the Internet between the client terminal and the payment server. By now simulating an interaction, the security card behaves as if it were in a physical terminal along with the stored-value card. A variety of responses from a stored-value card may be emulated. In this embodiment, the terminal sends each of the three packages "answer to reset", "initialize IEP", and "debit" down to the security card individually and waits for a return message before sending the next response. For a public key transaction, the certificates read by the client are also included as individual responses. In this fashion, even though all of the stored-value card information (the draw request) originating from the client terminal has been sent at once in prepackaged form over the Internet, the traditional interaction between the stored-value card and the security card in a physical terminal may be simulated at the terminal in a remote location.

In step 690 the terminal reaches a "draw amount" state, indicating that the security card is able to generate a debit command. In step 692, the security card generates its security card signature and the debit command. The debit command may also be termed a "debit IEP" command. This signature and debit command 314 are sent to the terminal. The debit command issued by the security card may contain a wide variety of information including the security card identifier, the transaction identifier, the amount to be debited, the currency and currency exponent for the amount, the security card signature, the date, time, and location. The terminal in turn, sends the signature, command, and the terminal identifier to the payment server as indicated in step 694. The information may be sent to the payment server as indicated at 314 via a concentrator. At this point, step 614 ends and control returns to step 616.

FIRST ALTERNATIVE PAYMENT EMBODIMENT

FIG. 6 illustrates an alternative embodiment 200a in which the security card is able to be released sooner than the security card of FIG. 5; this embodiment also requires fewer exchanges between the terminal and the payment server. A security card in a terminal is dedicated to a particular transaction from the moment when the terminal interface selects that terminal until the security card finally issues a "confirmation" message and is released by a terminal interface. Thus, in some circumstances it is desirable to release the security card earlier. By releasing a security card earlier, the card is tied up for a shorter time per transaction and may move on to the next transaction sooner. Also, the less time that a terminal is dedicated to a particular transaction, and the fewer messages exchanged between the two, the less likely chance there is of a communication error that might interrupt and halt the transaction.

Embodiment 200a includes a client terminal 204, a payment server 206, a merchant server 208, a stored-value card 5, and a terminal 214 having a security card 218. Communication between the various entities may take place in a similar fashion as in FIG. 5 as indicated by communication links 234, 235, and 236. However, instead of two round trips of information between the terminal and payment server, there is only one round trip in this embodiment.

FIG. 12 is a flowchart that describes a technique for implementing this embodiment with reference to FIG. 6. Step 702 indicates that communication between the various entities takes place in a similar fashion as in FIG. 5 up until the terminal reaches the "draw amount" state. At this point, draw request 312 has been received and processed by the

security card. Next, in step 704 the security card generates not only the security card signature and the debit command, but also an expected stored-value card signature. This expected stored-value card signature is a value expected by the security card from the stored-value card to validate the stored-value card's success message. This validation will ensure that the stored-valued card has in fact debited itself.

In step 706 the security card signature, the debit command and the expected stored-value card signature are sent to the payment code module in the payment server as indicated at 314a. Also, the terminal updates its data store in a similar fashion as in step 630. Next, step 708 indicates that the transaction occurs as before with reference to step 616-622. The steps indicate that the stored-value card receives the debit command, debits itself, and returns the success message (also termed a "debit response" message) and its card signature to the payment server.

Next, in step 710 the payment server code module processes this response from the stored-value card by comparing 346 the received card signature with the expected stored-value card signature received earlier from the security card. This comparison of the two signatures by the payment module of the payment server foregoes the need for another round trip between the payment server and the security card. Because the security card has already delivered the expected card signature to the payment server, the security card may be released as soon as message 314a is received.

Assuming that the comparison is successful, the payment module is then able to generate its own confirmation message instead of waiting for a "confirmation" message from the security card. Next, step 712 indicates that the processing continues in a similar fashion as in steps 632-640. The confirmation message is passed on to the merchant server by way of the client terminal and the merchant server may then deliver the purchased merchandise to the user.

SECOND ALTERNATIVE PAYMENT EMBODIMENT

In another embodiment 200b of the present invention as illustrated in FIG. 7, not only is the security card allowed to release earlier, but the number of messages exchanged between the client terminal and the payment server are reduced. Instead of comparing stored-value card signatures in the payment server, the expected stored-value card signature from the security card is transmitted to the client terminal where a trusted agent 356 performs the comparison of the expected stored-value card signature with the actual signature received from stored-value card 5. Thus, message exchange between the client terminal and the payment server is reduced to one round trip. This is advantageous in that the time for a transaction is reduced, the security card is released earlier and fewer message exchanges means more reliability over the Internet.

Embodiment 200b includes a client terminal 204, a payment server 206, a merchant server 208, a stored-value card 5, and a terminal 214 having a security card 218. Communication between the various entities may take place in a similar fashion as in FIG. 5 as indicated by communication links 234 and 235.

FIG. 13 is a flowchart that describes a technique for implementing this embodiment with reference to FIG. 7. Step 722 indicates that communication between the various entities takes place in a similar fashion as in FIG. 5 up until the terminal reaches the "draw amount" state. At this point, draw request 312 has been received and processed by the security card. Next, in step 724 the security card generates

not only the security card signature and the debit command, but also an expected stored-value card signature.

In step 726 the security card signature, the debit command and this expected stored-value card signature are sent to the payment code module in the payment server as indicated in 314a. Also, the terminal updates its data store in a similar fashion as in step 630. Next, in step 728 the payment server code module sends the debit command, merchant signature and expected stored-valued card signature to the client terminal.

Next, step 730 indicates that the transaction occurs as before with reference to steps 618 and 620. The steps indicate that the stored-value card receives the debit command and debits itself. In step 732, the client code module itself compares the actual card signature from the stored-value card with the expected signature from the security card. This comparison of the two signatures by the client module of the client terminal foregoes the need for another round trip between the payment server and the client terminal. Also, because the security card has already delivered the expected card signature to the payment server, the security card may be released as soon as message 314a is received.

Assuming that the comparison is successful, the client terminal is then able to generate its own confirmation message in step 734 instead of waiting for a confirmation message from the payment server. Next, step 736 indicates that the processing continues in a similar fashion as in steps 636-640. The confirmation message is passed on to the merchant server and the merchant server may then deliver the purchased merchandise to the user.

THIRD ALTERNATIVE PAYMENT EMBODIMENT

FIG. 8 illustrates another embodiment 200c of the invention in which the merchant server performs the comparison of the stored-value card signature with the expected signature. This embodiment has all of the advantages of the previous embodiment in which the security card is released earlier, and there are also fewer messages passed between the entities. In this embodiment, if the client terminal is not to be trusted to compare the stored-value card signatures, then an encrypted signature is passed to the merchant server via the client terminal. The client terminal also passes the raw, unencrypted signature from the stored-value card to the merchant server. A routine 366 in the merchant server then compares the two signatures.

Embodiment 200c includes a client terminal 204, a payment server 206, a merchant server 208, a stored-value card 5, and a terminal 214 having a security card 218. Communication between the various entities may take place in a similar fashion as in FIG. 5 as indicated by messages 302-306 and communication link 235.

FIG. 14 is a flowchart that describes a technique for implementing this embodiment with reference to FIG. 8. Step 742 indicates that communication between the various entities takes place in a similar fashion as in FIG. 5 up until the terminal reaches the "draw amount" state. At this point, draw request 312 has been received and processed by the security card. Next, in step 744 the security card generates not only the security card signature and the debit command, but also an expected stored-value card signature.

In step 746 the security card signature, the debit command and this expected stored-value card signature are sent to the payment code module in the payment server as indicated in 314a. Also, the terminal updates its data store in a similar fashion as in step 630. Next, in step 748 the payment server

code module sends the debit command, merchant signature and an encrypted expected stored-valued card signature to the client terminal. The expected stored-valued card signature is encrypted to prevent tampering by the client terminal or other outside entity.

Next, step 750 indicates that the transaction occurs as before with reference to steps 618 and 620. The steps indicate that the stored-value card receives the debit command and debits itself. In step 752, the client code module sends the success message, the raw stored-value card signature and the encrypted signature on to the merchant server. In step 754 the merchant server processes the success message, decrypts the encrypted signature, and compares the two signatures. This comparison of the two signatures by the merchant server foregoes the need for another round trip between the payment server and the client terminal. Also, because the security card has already delivered the expected card signature to the payment server, the security card may be released as soon as message 314a is received.

Assuming that the comparison is successful, the merchant server is then able to generate its own confirmation message in step 756 instead of waiting for a confirmation message from the client terminal. Next, step 758 indicates that the processing continues in a similar fashion as in steps 638 and 640. The merchant server may then deliver the purchased merchandise to the user. In all of the above alternative embodiments, when the transaction is not completed successfully, the payment server reverses the transaction within the terminal.

ENCRYPTION LAYER EMBODIMENT

FIG. 9 illustrates an embodiment 200d of the present invention in which an encryption layer has been added. Although the present invention may be practiced without this added encryption layer, in a preferred embodiment of the invention, this encryption layer is used. FIG. 9 includes client terminal 204, payment server 206 and merchant server 208. Other elements of the architecture have been omitted in this figure for simplicity. This extra encryption layer is used not only to protect the contents of messages being transmitted over the Internet, but also to prevent a client terminal, stored-value card or other entity from receiving or producing a message that would trick another entity into thinking that a valid transaction had occurred. This encryption also prevents messages from being accidentally or deliberately altered or misdirected.

It should be appreciated that encryption may be present in any embodiment on all parts of any message sent for security. Preferably, any signature sent over a network is encrypted.

FIGS. 15A and 15B are a flowchart describing this embodiment of the invention with reference to FIG. 9. In step 802, the payment server and the merchant server share a unique encryption key. Through a prior business arrangement, both of the servers have arranged to share this unique key to add security to the transaction. The shared key may be of any suitable encryption standard and of any length. The key may be a Data Encryption Standard (DES) key having a length of 128 bits including parity. Although this shared key could be used directly, in a preferred embodiment of the invention, there is a derived unique key for each transaction between the merchant server and the payment server. Alternatively, another encryption standard such as RSA may also be used. Preferably, loading of value is performed under DES, while a purchase may be performed under either DES or public key technology.

In step 804 the client terminal and the merchant server engage in a protected Secure Sockets Layer (SSL) session 404 in which a connection is made, a user browses and makes a purchase selection. The SSL session protects the information transmitted over the Internet such as card information, commands, and encryption keys from being discovered by an unauthorized party. Other techniques for protecting a session may also be used.

In step 806 the merchant server derives a key from the DES key using information unique to the transaction such as the merchant identifier, the transaction identifier, or other information unique to this transaction, such as a random number. Because the payment server shares the DES key with the merchant server and also has access to this unique information about the transaction, the payment server will also be able to derive this same key from the shared DES key. In this step the merchant server also creates a transaction session key (TSK) for use by the client terminal and payment server in encrypting information.

In step 808 the merchant server downloads an HTML page of information 406 that includes the TSK and the TSK that is encrypted using the derived key (ETSK). The TSK encrypted with the derived key will be used by the payment server to return an encrypted (and unreadable by the client) confirmation message to the merchant server. Only the merchant server will be able to decrypt this confirmation message and will thus be guaranteed that a successful transaction has occurred and that merchandise may be released to the client.

In step 810, the client prepares the draw request in conjunction with the stored-value card and sends the draw request 408 encrypted with the TSK to the payment server along with the ETSK. In step 812 the payment server uses the shared DES key and the prearranged information unique to the transaction to derive the same key that the merchant server has used. Thus, the derived key can be used to decrypt the ETSK in order to produce the TSK. Once the payment server had produced the TSK, it may decrypt the draw request and process the draw request in any suitable fashion with the security card. Once the payment server has received the debit command from the security card, it encrypts the debit command with the TSK. The debit command may also be termed the "debit IEP command."

In step 814 the payment server sends the encrypted debit command 410 to the client terminal. In step 816 the client decrypts the debit command with the TSK it had received earlier from the merchant server and processes the debit command in a suitable fashion with a stored-value card. Once the client terminal has received the debit response message from the stored-value card, it encrypts this message with the TSK and sends the debit response message 412 to the payment server. In step 820, the payment server decrypts the debit response message with the TSK and processes the debit response message in a suitable fashion with the security card.

Once the payment server has received a "debit result" message from the security card, the payment server encrypts the "debit result" message with the TSK to form a "debit result C" message for the client. The "debit result C" message will be used by the client terminal to inform the user of a successful transaction. The payment server also generates its own confirmation message and encrypts the confirmation message with the derived key to form a "debit result M" message. The payment server then sends 414 the "debit result C" message and the "debit result M" message to the client terminal.

In step 822 the client terminal decrypts and processes the "debit result C" message and passes the "debit result M" message 416 on to the merchant server. Because the "debit result M" message is encrypted with the derived key, the client terminal or other entity is not able to tamper with it. In step 824 the merchant server is able to decrypt the "debit result M" message because it had originally produced the derived key from the DES key. Once the merchant server has determined that a valid "debit result M" message has been received, it confirms that a valid transaction has taken place and may release merchandise to the user.

This security embodiment of FIG. 9 may be used with any of the previously described embodiments of the invention. By way of example, this security embodiment may be used with the embodiments of FIGS. 7 and 8 in which there is only one round trip between the client terminal and the payment server. In particular, the expected stored-value card signature received from the security card may be encrypted with the derived key so that it is unreadable by the client, yet the merchant server will be able to compare the received stored-value card signature with the expected card signature to validate the transaction.

A wide variety of terminology may be used to describe the keys described above. For example, the keys referred to above as shared DES key, transaction session key (TSK) and derived key, may also be referred to as shared key, session C key and session M key.

AUTHENTICATION EMBODIMENT

FIG. 16 illustrates an architecture and system 200' for authentication over an internet (such as the Internet) using a pseudo stored-value application. This application could reside on a stored-value card along with standard accounts, stored value, or other card applications. The card defines access to the pseudo stored-value service and ensures that the card is present and passes security checks.

In one embodiment of the present invention, a consumer may wish to access any of a variety of Web servers in order to redeem frequent flyer miles, award points, etc., that he or she has accumulated. In this embodiment, a consumer has accumulated "points" through any of a variety of programs with airlines, restaurants, rental car companies, hotels, banks, credit or debit card issuers, telephone or other communication company, etc. The consumer wishes to redeem these points to receive free airline tickets, meals, car rental, overnight stays, prizes, awards, discounts, or other "benefits". By accessing a Web server associated with the particular program, the consumer is able to use his or her card in any of the embodiments described herein to authenticate the card and to receive these benefits from the program. Most often, a card has a card number that is associated with the consumer's name in a database on the Web server. This card number is transmitted to the Web server as part of the card signature, or in a similar fashion. Thus, an authenticated card used in this embodiment to redeem services may be matched to the appropriate consumer.

For example, a consumer with 30,000 frequent flyer miles on one airline may use this embodiment of the present invention to access a Web server associated with the airline. The consumer is requesting a free round-trip ticket in exchange for 20,000 miles. The present invention then operates to authenticate the consumer's stored-value loyalty application on the card, and delivers a confirmation of authentication message to the Web server for the airline. The Web server then deducts 20,000 miles from the consumer's account (leaving 10,000 miles) and delivers the free ticket to

the consumer. In one specific embodiment, the Web server associated with the airline (or the airline itself) keeps track of the consumer's account and deducts the mileage. In this instance, an authentication application is used to validate the presence of the card or to obtain access to the Web server site.

In another specific embodiment, the consumer's card contains a loyalty application that stores the consumer's accumulated frequent flyer mileage; the mileage from the card is then debited and confirmed to the Web server in a similar fashion as described in various of the embodiments by which a cash value is stored on and debited from a card.

System 200' may be implemented in a similar fashion as system 200 of FIG. 4. The elements shown in system 200' having counterparts in system 200 are described above and have similar functionality. System 200' includes a web server 208' that may be any suitable computer server capable of presenting award information (hereinafter "benefits") to a consumer over an open network such as the Internet. Web server 208' may be the same as merchant server 208 of FIG. 4 or a separate computer. Preferably, web server 208' is implemented in a similar fashion as described above for merchant server 208. Web server 208' includes server module 232' that is preferably implemented in a similar fashion as merchant module 232. Additionally, server module 232' includes functionality to store and present benefits that are available for particular consumers. For example, benefits available such as airline tickets, prizes, etc., may be presented.

Points (such as frequent flyer miles, for example) that a consumer accumulates to achieve benefits may be linked to a particular consumer by an account number, password, or other identifier. The amount of points accumulated for each consumer may be stored on web server 208' using server module 232', or may be located in another database of the organization providing the benefits. In an alternative embodiment, these points for each program that a consumer is enrolled in are stored in a loyalty application on the consumer's card. For example, a consumer may have a stored-value card that in addition to storing monetary value, also stores a quantity of frequent flyer miles accumulated for a particular airline (or a number of airlines), points accumulated for using a particular credit card, points for hotel stays at particular hotels, etc. For points stored on the consumer's loyalty application card, these points may be verified and debited in much the same way that monetary value on the consumer's card is debited as described herein.

One embodiment by which a consumer has his or her pseudo stored-value application on a card authenticated to redeem points for benefits will now be explained. In one specific embodiment, a technique similar to that described in the flowchart of FIGS. 11A-11D for debiting monetary value may be used. Initially, a user (consumer) operating client terminal 204 accesses web server 208' over link 234', views benefits presented for a particular program (such as an airline's frequent flyer program), selects benefits from that program, and requests the transaction to be performed using his or her pseudo stored-value application to validate that the card has access to the services. Web server 208' receives and processes this request. The above steps may be performed in a similar fashion as steps 602 and 604.

Next, similar to step 606, web server 208' sends a page of information to client terminal 204. When claiming benefits, the total cost field is zero and the currency field is a specially assigned value. Keeping total cost field equal to zero causes the system to perform authentication but not to create a

payment record. Alternatively, for those user's whose card holds the amount of their points, additional fields may be sent from server 208' to terminal 204 indicating which account to debit and by how many points. The total cost and currency fields may be readily adapted for this purpose.

Next, in a similar fashion to steps 608-612, a draw request message is built, and the draw request is sent to authentication server 206' over link 236'. Similar to step 614, the authentication server now processes the draw request in conjunction with security card 218 (for example) and sends back a "debit" command and a security card signature to authentication server 206'. As total cost is zero, the "draw amount" state reached by security card 218 is also zero. In the alternative embodiment in which stored-value card 5 stores points for a particular program, total cost may be a value and a "draw amount" state may be reached indicating a number of points to be deducted from card 5.

Next, similar to steps 616-618, authentication server 206' sends the debit command and security card signature to client terminal 204 and this information is processed by card 5. Even though a monetary value is not being debited, card 5 performs processing such as incrementing a counter indicating number of transactions and generating a stored-value card signature. In the alternative embodiment in which points are stored on card 5, the points needed to redeem the benefit chosen by the user from web server 208' may be debited from the appropriate account in this step.

Steps 620 through 638 are performed in a similar manner as in FIGS. 11B and 11C, except that in this case a monetary transaction is not being verified, but rather card 5 is being authenticated to allow the user to complete his access to services or benefits. In step 626 in particular, the signature of card 5 is verified by security card 218. In this embodiment, security card 218 would send an "authentication OK" message rather than the "confirmation" message of step 628. Web server 208' then debits the appropriate number of points from the user's account or allows access to a privileged service for the benefit requested. In the alternative embodiment in which points are stored on card 5, the "authentication OK" message serves not only as an authentication of card 5, but also confirmation that the correct number of points have been debited from card 5 for the appropriate program. Next, similar to step 640, web server 208' releases the benefit requested by the user (such as airline tickets, prizes, discounts, etc.) and the benefit is arranged to be delivered to the user.

It should be appreciated that this technique of redeeming points for benefits may also be practiced using any of the alternative embodiments of FIGS. 6, 7 or 8, thereby obtaining the advantages associated with those embodiments. Furthermore, this technique may take advantage of the encryption layer embodiment of FIG. 9. Additionally, as described below, the present invention may also be used to load more points onto card 5 in much the same way that monetary value is added.

LOADING A STORED-VALUE CARD

FIG. 17 illustrates a system 850 for loading value onto a stored-value card according to one embodiment of the present invention. System 850 includes a client terminal 204, bank server 860 and load server 862. Client terminal 204 communicates with card 5 via card reader 210, and with bank server 860 and load server 862 over any suitable open network such as Internet 202. Suitable embodiments for the client terminal, the card reader and the stored-value card are described above in the description of a payment technique.

Preferably, each of client terminal 204, bank server 860 and load server 862 implement a code module (similar in operation to the code modules described above) in the Java programming language that provides the functionality described below. For simplicity of explanation, reference will be made below to "client terminal", "bank server" and "load server" even though the resident code is performing the functions. Card issuer 108 has been described previously in FIG. 3. Card issuer 108 may be a separate financial institution from the bank that includes bank server 860, or card issuer 108 may be the same bank that includes bank server 860.

Bank server 860 is any suitable computer within a bank or other financial institution. By way of example, bank server 860 is any suitable personal computer, a workstation or a mainframe computer. In one embodiment, bank server 860 runs a "servlet" program (a Java applet running on server) for communication with client 204.

Load server 862 is also any suitable computer and may be located at a third party location (such as at a processor) or may be located within the same bank as bank server 860. Load server 862 also runs a servlet program for communication with client terminal 204 and host security module 864. In an alternative embodiment, load server 862 and bank server 860 are the same computer which runs two different applications representing the functionality of each server.

Host security module (HSM) 864 is a device known in the art that may be embodied in a hardware "black box" or on any suitable computer. The host security module can be implemented in a hardware module outside of load server 862, can be implemented within load server 862, can be implemented in software, or can be implemented as a security card described above. Host security module 864 contains the encryption keys in hardware used for generating signatures (for example S1, S2 and S3) that provide security for the transaction. These signatures are used by stored-value card 5 and host security module 864 to insure that the card is not expired or counterfeit (i.e., is a valid card), to insure that module 864 is authentic, to insure that system 850 is authentic and, in general, to provide for a valid transaction and to prevent fraud. Card 5 also includes encryption keys for the generation of a stored-value card signature. In an alternative embodiment, module 864 could be replaced by a standard terminal that includes a security card such as is shown in the previous embodiments. In this situation, the encryption keys would be stored in the security card.

Briefly, system 850 operates as follows. A consumer accesses bank server 860 via client terminal 204. Assuming that card 5 is not overloaded and that the user's account with the bank has sufficient funds, the user is able to download value via bank server 860 on to his stored-value card 5. Client terminal 204 communicates with load server 862 to receive authorization for the load and for higher security. Card 5 may then be used to make purchases over the Internet as described earlier in the application or may be used for purchases elsewhere. Once the bank has downloaded value to card 5, a corresponding amount of funds is transferred from the bank to card issuer 108.

Card issuer 108 places these funds in a holding pool. Once stored-value card 5 is used to make a purchase from a merchant, the transaction is captured and settled through a settlement service, such as VisaNet. The issuer bank decrements the funds pool for the amount of the purchase, which is paid to the merchant bank. The merchant bank pays the merchant for the transaction. Settlement may occur in any

suitable fashion such as is known in the art and, in particular, may be implemented as previously described in FIG. 3.

LOADING DETAILED TRANSACTION FLOW

One embodiment of a technique by which a stored-value card is loaded over the Internet will now be described using the flowchart of FIGS. 18A through 18D with reference to FIG. 17. Various of the steps below may occur in a different order; the following description is for illustration purposes. Interaction between client terminal 204 and bank server 860, and between client terminal 204 and load server 862, is preferably implemented in a similar fashion as between client terminal 204 and merchant server 208, and between client terminal 204 and payment server 206 as described above, respectively. Certain implementation details mentioned above with respect to payment are equally applicable to loading a stored-value card. Furthermore, the exemplary flow shown in the figures illustrates a successful transaction (although a negative result is also explained below in the text). For this reason, a "confirmation" message is referred to, which can more broadly be referred to as a "result" message (to reflect both the possibilities of success and failure of a load). Also, a "load success" message is referred to, which can also be referred to as a "confirmation" message, to reflect its status as either confirming a positive load result or a negative load result.

Initially, a suitable web browser of client terminal 204 is used by the user to access a bank server Internet site. In step 871 the user selects an option to load value onto card 5. In step 872 the bank server sends a request for card information (including current card balance and maximum card balance); client terminal 204 reads the current card balance, currency, and other card information via card reader 210 and returns the balance to bank server 860. In step 873 the bank server determines the maximum load value and verifies that enough funds are in the user's account to accommodate a load request.

In step 874 the bank server builds an HTML page that includes the following client applet parameters: the load value; the type of currency being used; the port and IP address of the load server; a unique transaction identifier used by both the load server and the bank server to track a transaction; a unique bank identifier assigned to the bank and known to the load server; and a session key. Other information may also be included such as the currency's exponent, a status URL address of the bank server used for communication from the client terminal, and other security information to ensure the identity of the bank server and the integrity of the message. Other process related information such as software release level, encryption methodology and keys may also be conveyed. Once this page has been built, the page is sent to the requesting client browser and triggers the activation of the client code module (in this example a Java applet) in the client terminal.

To determine the load value, the bank server requests that the user enter the amount to load to the card. Assuming that the user's account is adequate, the bank server requests the user's account be debited in step 875 by the load value. Advantageously, the debit request from the bank server can use the existing ATM and accounting systems of the bank to debit the user's account. From the bank's point of view, value is being transferred from the user's account much in the same way that value would be transferred to a user in the form of cash at an ATM. In this situation, though, the value is not being dispensed as cash at an ATM, but is being sent over the Internet to a stored-value card.

In step 876 the client terminal interacts with stored-value card 5 to obtain card information in order to build a load request message for later transmission to load server 862. Once responses from the card are received, the client terminal combines these responses into a byte stream suitable for transmission over a network to a load server.

The client terminal emulates a variety of host security module 864 commands to receive responses from these commands from the stored-value card. The stored-value card and the security module are physically separated from one another; communication takes place over the Internet. In the interest of speed and reliability, it is advantageous to have only the traditional authentication, response, and confirmation messages exchanged.

To operate securely and reliably in this environment, in one embodiment of the present invention the client terminal emulates a security module and gathers all the responses for transmission into one load request message. The load request message may include a variety of information and preferably includes a first card signature (termed S1), a card number, an expiry date, and a load amount. Other information such as the security algorithm, transaction counter, current card balance, and bank server time stamp are also preferably provided.

As all of this information is prepackaged into a single load request message, the number of messages exchanged between the stored-value card and the security module over the Internet is minimized.

Next, in step 877 the client terminal accesses the load server using the IP address received from the bank server. In step 878 the client terminal sends the load request message to the load server. In step 879 the load server processes the load request in conjunction with an associated host security module 864 as will be explained in greater detail below with reference to FIG. 18D. After step 879, the load server has received an issuer security module signature (termed S2) as part of a load command from the security module 864. The security module signature is a value that uniquely identifies and validates the security module to prove to stored-value card 5 that the incoming load command is a valid command from a real security module. Thus, the user of the stored-value card, and other interested parties are guaranteed that a valid load of the card has occurred. In a preferred embodiment of the invention, the security module signature is an encrypted value ensuring that no other entity can forge an identity of a security module.

In step 880 the load server sends the load command including with the security module signature to the client terminal for the stored-value card to load itself. In step 881, upon receiving the load command from the load server, the client terminal passes the load command to stored-value card 5 which verifies the signature, loads itself by the load value, and also generates a load success message, a second stored-value card signature (termed S3), and a result code indicating success or failure of the load. In a preferred embodiment of the invention, this signature is in encrypted form to prevent tampering.

In step 882, card 5 sends load success message containing the card signature (S3) and result code back to client terminal 204. Next, in step 883 client terminal 204 packages the load success message along with the card signature and sends them back to load server 862. In step 884 the load server receives the incoming message. The load server then processes the message into its components and directs the components to the security module. Next, in step 885 the security module may process this response from the client's terminal and verify the received stored-value card signature (S3).

As the security module contains the keys and algorithms necessary to compute stored-value card signatures, the security module is able to validate that a received stored-value card signature is in fact a valid one by comparing the received stored-value card signature with a generated expected value. A successful comparison indicates that a load success message received from the stored-value card is in fact a valid success message and that the stored-value card has been loaded. Assuming that the transaction is so far valid, in step 886 the security module sends a "confirmation" message back to the load server.

It is possible that the stored-value card has not been loaded by the proper amount, that the card is invalid, a user is fraudulent or another discrepancy. For example, it is possible that a user has tampered with the card to make it appear that a load has not occurred, when in fact a load has occurred. In this situation, processing in step 882 and on is slightly different. For example, instead of generating a "load success" message, the card may generate a "negative result" code, potentially indicating that the card has not been loaded. Processing of this situation would then occur as follows.

In step 882, card 5 sends a load message containing the result code and stored-value card signature S3 back to client terminal 204. Client terminal 204 recognizes a negative result code, and invokes negative result handling. Client terminal 204 interacts with card 5 and generates a new load request for a zero value load using elements from the original request, along with a new card signature S1.

The negative result code, along with the signatures S3 and new S1, and the zero value load request are passed to the load server for analysis. The load server determines if the transaction counter in the zero value load equals the transaction counter in the previous request, along with verifying other pertinent information such as date and time, card number, and currency code and exponent. If the transaction counters are the same, then it is possible that a valid negative result has been received, but it should be verified because the client is not trusted. If the counters are equal, the load server will hold the original S3 and will generate a new load request to the security module using data element values that would have been expected if the original transaction had failed. The new load request along with the new S1 is sent to the security module. The security module then compares the original S1 (from the original load request) to the new S1. If S1 is valid, then the original negative result is true and the security module generates a signature to confirm to the load server that there was no load. The original negative result from the card is then released to the security module to complete the original transaction. Processing would continue, but a user account would not be debited, and no settlement need occur because the card was, in fact, not loaded. If S1 is not valid, the negative response is not true and then the result code in the original request is changed to reflect a successful load and passed to the security module. Processing then continues reflecting that a load has occurred.

On the other hand, if the transaction counters are not the same, then it is still possible that a valid negative result has been received, but it should be verified because the client is not trusted. First, the load server decreases the transaction counter in the new load request to match that of the original. The request along with the new S1 is passed to the security module. The security module calculates its own new S1 based upon the modified new load request. If there is no match, it means that the negative result was in error and that the card had been loaded. Processing continues to reflect a

loaded card. If there is a match, it means the negative result was correct and that the transaction counter had been increased by accident. The user account is not debited, and no settlement occurs.

Returning now to further processing, in step 887 the load server logs the response received from the security module and updates its database with the transaction identifier, the bank identifier, the load value, etc. In general, any of the plethora of information passing through the load server may be added to its database. Next, in step 890 the load server creates a confirmation message including the transaction identifier and sends this message to the client terminal in encrypted form. By sending this confirmation message in encrypted form, the confirmation message may be forwarded to the bank server by way of the client terminal without fear of tampering. As the confirmation message is encrypted, it would be difficult for the client terminal or another entity to forge a confirmation message and trick the bank server into thinking that a valid load had taken place.

In step 891 the client terminal forwards the confirmation message on to the bank server at the URL address previously received from the bank server. The client terminal may also post a message to the user informing that the load has been completed. The client terminal may also log confirmation of the load. In step 892 the bank server registers the confirmation message. The bank server calls a routine to decrypt the confirmation message. If the decrypted confirmation message is acceptable, the bank server determines a successful load has occurred. The confirmation message provides assurance to the bank that the user's card was in fact loaded with a particular value and prevents fraud. For example, a fraudulent user who tries to claim that his bank account was decremented and his card not loaded (and should thus receive more money from the bank) would be thwarted because the confirmation message proves that the user's card was in fact loaded. Alternatively, the "confirmation" message may indicate that a load did not occur, in which case the account would not be debited, and no settlement would occur.

At this point a successful load of the user's card has occurred (assuming all is well). For example, if the user had requested \$100, that amount has been decremented from the user's account at the bank, and \$100 has been loaded onto the user's stored-value card. Preferably, at this point the amount loaded (in this example \$100) is transferred from the bank to the stored-value card issuer preferably through an existing network. The \$100 is transferred so that the card issuer may manage the float on these unspent funds until the user spends the \$100. Once the \$100 (or a smaller portion) has been spent with a merchant, the card issuer is then able to settle the transaction with the merchant using any suitable clearing and administration system. In alternative embodiment, the bank may retain the \$100 and settle directly with the merchant. In another embodiment, the bank and the card issuer are the same financial institution, and the \$100 may be shifted between parts of the organization or remain in place.

Returning now to a more detailed discussion of step 879, FIG. 11D describes a technique for processing a load request message in conjunction with a security module. Once the load request message is received by the load server, the load server parses it into the appropriate elements and passes a request to the security module as will be explained below. Alternatively, the load server can build a network message and switch the request to a remote authentication server. Or, a smart terminal could parse the message and pass responses to the security module.

In step 895 the load server edits the load request for syntactic correctness and logs the request as received. In step 896 the load server constructs a load request message. In step 897 the load server passes the load request to the security module to emulate a stored-value card interacting with the security module. The load server behaves as if a stored-value card were actually interacting in an ATM (for example) through a network to a host with a security module. In this fashion, the load request originating from the client terminal has been sent in prepackaged form over the Internet emulating a traditional interaction between the stored-value card in an ATM.

In step 898, the security module verifies the received stored-value card signature (S1) to prevent fraud. The security module generates its security module signature (termed S2) and the load command. The signature S2 will confirm to the client terminal and the stored-value card that the host security module is authentic and belongs to the issuer of the stored-value card. Additionally, S2 protects against a user trying to perform a fake load, keys out of synchronization, a counterfeit card, an expired card, etc. The security module then sends the signature and load command to the load server as indicated in step 899. At this point, step 879 ends and control returns to step 880.

COMPUTER SYSTEM EMBODIMENT

FIG. 19 illustrates a computer system 900 suitable for implementing an embodiment of the present invention. Computer system 900 includes any number of processors 902 (also referred to as central processing units, or CPUs) that are coupled to storage devices including primary storage 906 (such as random access memory, or RAM) and primary storage 904 (such as a read only memory, or ROM). As is well known in the art, primary storage 904 acts to transfer data and instructions uni-directionally to the CPU and primary storage 906 is used typically to transfer data and instructions in a bi-directional manner. Both of these primary storage devices may include any suitable of the computer-readable media described below. A mass storage device 908 is also coupled bi-directionally to CPU 902 and provides additional data storage capacity and may also include any of the computer-readable media described below. Mass storage device 908 may be used to store programs, data and the like and is typically a secondary storage medium (such as a hard disk) that is slower than primary storage. It will be appreciated that the information retained within mass storage device 908, may, in appropriate cases, be incorporated in standard fashion as part of primary storage 906 as virtual memory. A specific mass storage device such as a CD-ROM 914 passes data uni-directionally to the CPU.

CPU 902 is also coupled to an interface 910 that includes one or more input/output devices such as such as video monitors, track balls, mice, keyboards, microphones, touch-sensitive displays, transducer card readers, magnetic or paper tape readers, tablets, styluses, voice or handwriting recognizers, biometrics readers, or other computers. CPU 902 optionally may be coupled to another computer or telecommunications network using a network connection as shown generally at 912. With such a network connection, it is contemplated that the CPU might receive information from the network, or might output information to the network in the course of performing the above-described method steps. Furthermore, method embodiments of the present invention may execute solely upon CPU 902 or may execute over a network connection such as the Internet in conjunction with a remote CPU that shares a portion of the processing.

In addition, embodiments of the present invention further relate to computer storage products with a computer readable medium that have program code thereon for performing various computer-implemented operations. The media and program code may be those specially designed and constructed for the purposes of the present invention, or they may be of the kind well known and available to those having skill in the computer software arts. Examples of computer-readable media include, but are not limited to: magnetic media such as hard disks, floppy disks, and magnetic tape; optical media such as CD-ROM disks; magneto-optical media such as floptical disks; and hardware devices that are specially configured to store and execute program code, such as application-specific integrated circuits (ASICs), programmable logic devices (PLDs) and ROM and RAM devices. Examples of program code include machine code, such as produced by a compiler, and files containing higher level code that are executed by a computer using an interpreter.

Although the foregoing invention has been described in some detail for purposes of clarity of understanding, it will be apparent that certain changes and modifications may be practiced within the scope of the appended claims. For instance, any suitable stored-value card capable of loading, storing and decrementing value on command may be used with the present invention. Also, any network capable of performing routing functionality between a client terminal and a load and bank server may be used. Furthermore, the security module may be a physically separate module, a card located in a terminal attached to a load server, or its functionality may be incorporated directly into a load server in hardware or software. And although the client terminal may be used to route messages between the bank server and load server, both of these servers may also communicate directly between themselves, and may even be the same computer. The specific messages shown passing between the computers are exemplary, and other types of messages may be used. A specified load request is shown, but other information may also be loaded onto a stored-value card using a security module emulation and then sent packaged as one message to the security module over a network. In addition to monetary value, other types of value such as electronic cash, checks, awards, loyalty points, benefits, etc., may be loaded onto a card, and the term "value" is intended to broadly cover all these various types. Any suitable type of encryption may be used to encrypt messages passing between the computers. Therefore, the described embodiments should be taken as illustrative and not restrictive, and the invention should not be limited to the details given herein but should be defined by the following claims and their full scope of equivalents.

We claim:

1. A loading system for loading value over a network onto a stored-value card, said loading system comprising:

- a router for routing communication between entities attached to said network;
- a bank server in communication with said network, said bank server arranged to debit a user account by an indicated value;
- a client terminal in communication with said network, said client terminal including a card reader for communicating with a stored-value card and an input device for indicating a value to debited from said user account; and
- a load server in communication with said network, said load server including an interface for communicating

with a security module and being arranged to receive a load request including a stored-value card signature and being further arranged to transmit a confirmation message to said bank server over said network, thereby assuring that said stored-value card has been loaded by said indicated value.

2. A loading system as recited in claim 1 wherein said network is an internet and said bank server includes a bank web site for accepting a load request.

3. A loading system as recited in claim 2 wherein said client terminal and said bank server are at separate locations and communicate over said internet.

4. A loading system as recited in claim 1 further comprising:

a clearing and administration system for reconciling said debit of said user account with a purchase using said stored-value card.

5. A loading system as recited in claim 1 wherein said client terminal further includes a command emulator for emulating security module commands that are sent to said stored-value card and for grouping responses to said security module commands into a load request message to be sent to said load server, and wherein said load server includes a response emulator for emulating responses from said stored-value card that are sent to said security module.

6. A loading system as recited in claim 1 wherein said security module includes a comparator for comparing a stored-valued card signature received from said stored-value card with an expected signature to confirm a transaction.

7. A loading system as recited in claim 1 further comprising:

a load request encryption apparatus for providing an encrypted load request to said load server from said client terminal;

a key encryption apparatus for providing a key to decrypt said encrypted load request to said load server without sending said key in the clear to said load server; and

a confirmation encryption apparatus for providing an encrypted transaction confirmation message to said bank server from said load server that is encrypted by a key shared between said bank server and said load server.

8. A computer-implemented method of loading a stored-value card over a network comprising:

establishing communication between a bank server and a client over a network;

receiving a request from said client to load value onto a stored-value card;

transmitting to said client a verified load value so that said client may load a stored-value card associated with said client by said load value;

transmitting to said client an address of a load server so that said client may send a load request to said load server; and

a confirmation step for performing the function of confirming the loading of said stored-value card, whereby said bank server is assured that the loading is a success.

9. A method as recited in claim 8 wherein said network is an internet over which said recited steps of said method occur, wherein said bank server includes a bank web site for accepting a load request, and wherein said client and said bank server are at separate locations.

10. A method as recited in claim 8 wherein said confirmation step includes receiving a confirmation message that originates from one of said load server and a security module associated with said load server.

11. A method as recited in claim 8 further comprising: transmitting a first key to said client for encrypting a load request to be sent to said load server;

providing said first key to decrypt said encrypted load request to said load server without sending said first key in the clear to said load server; and

receiving an encrypted confirmation message from said load server that is encrypted by a second key shared between said bank server and said load server.

12. A method as recited in claim 8 further comprising:

debiting a user account by said load value; and

sending transaction information including said load value to a stored-value card issuer for later settlement.

13. A computer-implemented method of loading a stored-value card over a network comprising:

transmitting over a network from a client terminal to a bank server a request to load a stored-value card;

receiving from said bank server a verified load value;

sending a load request to a load server connected to said network;

receiving a load command from said load server;

loading said stored-value card by said load value; and

sending confirmation information to said bank server, whereby said bank server is assured that said loading is a success.

14. A method as recited in claim 13 wherein said network is an internet over which said recited steps of said method occur, wherein said bank server includes a bank web site for accepting a load request, and wherein said client terminal and said bank server are at separate locations.

15. A method as recited in claim 13 further comprising: emulating security module commands that are sent to said stored-value card associated with said client terminal; and

grouping responses to said security module commands into said load request so that said responses may be sent as a group to said load server to reduce network traffic between said load server and said client terminal.

16. A method as recited in claim 13 wherein said confirmation information includes an encrypted confirmation message unreadable by said client terminal, said method further comprising:

receiving said encrypted confirmation message from said load server.

17. A method as recited in claim 13 further comprising: receiving a first key from said bank server for encrypting said load request to be sent to said load server;

receiving an encrypted version of said first key that is unreadable by said client terminal, said first key being encrypted using a shared key that is known to said load server and to said bank server; and

sending said encrypted version of said first key to said load server without sending said first key in the clear to said load server, whereby said load server may decrypt and obtain said first key to decrypt said load request.

18. A computer-implemented method of managing a stored-value card load transaction between a client terminal and a bank server connected over a network, said method comprising:

receiving by a load server over said network a load request, said load request including a stored-value card signature;

sending said stored-value card signature to a security module associated with said load server so that said

stored-value card signature may be validated by said security module;

receiving a load command from said security module;

sending said load command from said load server destined to said client terminal so that a stored-value card associated with said client terminal may be loaded by a load value; and

a confirmation step for performing the function of confirming the loading of said stored-value card, whereby a bank server is informed that the loading is a success.

19. A method as recited in claim 18 wherein said network is an internet over which said recited steps of said method occur, wherein said bank server includes a bank web site for accepting a load request, and wherein said client terminal and said bank server are at separate locations.

20. A method as recited in claim 18 further comprising:

receiving as part of said load request responses from said stored-value card to security module commands that have been emulated by said client terminal; and

emulating said stored-value card responses in an interaction with said security module to receive responses from said security module, whereby network traffic between said load server and said client terminal is reduced.

21. A method as recited in claim 18 wherein said confirmation step includes the substeps of:

comparing said received stored-value card signature with an expected signature; and

sending a confirmation message destined for said bank server, whereby said bank server is assured that said stored-value card has been loaded.

22. A method as recited in claim 18 further comprising:

receiving said load request that is encrypted with a session key;

receiving an encrypted version of said session key, said session key being encrypted using a shared key that is known to said load server and to said bank server; and

decrypting said session key using said shared key, whereby said load server may decrypt said load request using said session key.

23. A computer-implemented method of interacting with a stored-value card by a client terminal to facilitate the loading of said stored-value card over a network, said method comprising:

receiving a load value from a bank server connected to said network;

emulating a plurality of security module commands that are sent to said stored-value card associated with said client terminal;

receiving a plurality of responses to said security module commands from said stored-value card;

grouping said responses to said security module commands from said stored-value card to form a load request; and

sending said load request to a load server over said network so that said load request may be processed by a security module associated with said load server to facilitate the loading of said stored-value card over said network, whereby network traffic between said load server and said client terminal is reduced.

24. A method as recited in claim 23 wherein said network is an internet over which said recited steps of said method occur, wherein said bank server includes a bank web site for accepting a load request, and wherein said client terminal and said bank server are at separate locations.

25. A method as recited in claim 23 further comprising:

receiving an encrypted confirmation message from said load server that is unreadable by said client terminal; and

sending said encrypted confirmation message to said bank server, whereby said bank server is assured that said stored-value card has been loaded.

26. A computer-implemented method of interacting with a security module by a load server to facilitate the loading of a stored-value card over a network, said method comprising:

receiving a load request from a client terminal over a network, said load request including a plurality of responses from a stored-value card generated in response to emulation of security module commands, whereby network traffic between said load server and said client terminal is reduced;

emulating said stored-value card responses in an interaction with said security module associated with said load server;

receiving a plurality of security module responses from said security module in response to said emulation; and

sending a load command destined to said client terminal over said network to facilitate loading of said stored-value card.

27. A method as recited in claim 26 wherein said network is an internet over which said recited steps of said method occur, and wherein said client terminal and said load server are at separate locations.

28. A method as recited in claim 26 further comprising:

a confirmation step for performing the function of confirming loading of said stored-value card, whereby said bank server is assured that said stored-value card has been loaded.

* * * * *

the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes.)<

2173 Claims Must Particularly Point Out and Distinctly Claim the Invention

The primary purpose of this requirement of definiteness of claim language is to ensure that the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent. A secondary purpose is to provide a clear measure of what applicants regard as the invention so that it can be determined whether the claimed invention meets all the criteria for patentability and whether the specification meets the criteria of 35 U.S.C. 112, first paragraph with respect to the claimed invention.

2173.01 Claim Terminology [R-2]

A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as **>any special meaning assigned to a term is clearly set forth in the specification. See MPEP § 2111.01.< Applicant may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. As noted by the court in *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought.

2173.02 Clarity and Precision [R-3]

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of partic-

ularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. See, e.g., *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379, 55 USPQ2d 1279, 1283 (Fed. Cir. 2000). See also *In re Larsen*, No. 01-1092 (Fed. Cir. May 9, 2001) (unpublished) (The preamble of the *Larsen* claim recited only a hanger and a loop but the body of the claim positively recited a linear member. The court observed that the totality of all the limitations of the claim and their interaction with each other must be considered to ascertain the inventor's contribution to the art. Upon review of the claim in its entirety, the court concluded that the claim at issue apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112 paragraph 2.). >See also *Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004) ("The requirement to 'distinctly' claim means that the claim must have a meaning discernible to one of ordinary skill in the art when construed according to correct principles....Only when a claim remains

insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite.”).

Accordingly, a claim term that is not used or defined in the specification is not indefinite if the meaning of the claim term is discernible. *Bancorp Services, L.L.C. v. Hartford Life Ins. Co.*, 359 F.3d 1367, 1372, 69 USPQ2d 1996, 1999-2000 (Fed. Cir. 2004) (holding that the disputed claim term “surrender value protected investment credits” which was not defined or used in the specification was discernible and hence not indefinite because “the components of the term have well recognized meanings, which allow the reader to infer the meaning of the entire phrase with reasonable confidence”).<

If the language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement, a rejection of the claim under 35 U.S.C. 112, second paragraph, would be appropriate. See *Morton Int’l, Inc. v. Cardinal Chem. Co.*, 5 F.3d 1464, 1470, 28 USPQ2d 1190, 1195 (Fed. Cir. 1993). However, if the language used by applicant satisfies the statutory requirements of 35 U.S.C. 112, second paragraph, but the examiner merely wants the applicant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. 112, second paragraph, rather, the examiner should suggest improved language to the applicant.

For example, a claim recites “a suitable liquid such as the filtrate of the contaminated liquid to be filtered and solids of a filtering agent such as perlite, cellulose powder, etc.” The mere use of the phrase “such as” in the claim does not by itself render the claim indefinite. Office policy is not to employ *per se* rules to make technical rejections. Examples of claim language which have been held to be indefinite set forth in MPEP § 2173.05(d) are fact specific and should not be applied as *per se* rules. The test for definiteness under 35 U.S.C. 112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification.” *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). If one skilled in the art is able to ascertain in the example above, the meaning of the terms “suitable liquid” and “solids of a filtering agent” in light of the specification, 35 U.S.C. 112,

second paragraph, is satisfied. If upon review of the claim as a whole in light of the specification, the examiner determines that a rejection under 35 U.S.C. 112, second paragraph, is not appropriate in the above-noted example, but is of the opinion that the clarity and the precision of the language can be improved by the deletion of the phrase “such as” in the claim, the examiner may make such a suggestion to the applicant. If applicant does not accept the examiner’s suggestion, the examiner should not pursue the issue.

If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is “vague and indefinite” should be included in the Office action. If applicants traverse the rejection, with or without the submission of an amendment, and the examiner considers applicant’s arguments to be persuasive, the examiner should indicate in the next Office communication that the previous rejection under 35 U.S.C. 112, second paragraph, has been withdrawn and provide an explanation as to what prompted the change in the examiner’s position (e.g., examiners may make specific reference to portions of applicant’s remarks that were considered to be the basis as to why the previous rejection was withdrawn).

By providing an explanation as to the action taken, the examiner will enhance the clarity of the prosecution history record. As noted by the Supreme Court in *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722, 122 S.Ct. 1831, 1838, 62 USPQ2d 1705, 1710 (2002), a clear and complete prosecution file record is important in that “[p]rosecution history estoppel requires that the claims of a patent be interpreted in light of the proceedings in the PTO during the application process.” In *Festo*, the court held that “a narrowing amendment made to satisfy any requirement of the Patent Act may give rise to an estoppel.” With respect to amendments made to comply with the requirements of 35 U.S.C. 112, the court stated that “[i]f a § 112 amendment is truly cosmetic, then it would not narrow the patent’s scope or raise an estoppel. On the other hand, if a § 112 amendment is necessary and narrows the patent’s scope—even if only for the purpose of better description—estoppel may apply.” *Id.*, at 1840, 62 USPQ2d at 1712. The court

further stated that “when the court is unable to determine the purpose underlying a narrowing amendment—and hence a rationale for limiting the estoppel to the surrender of particular equivalents—the court should presume that the patentee surrendered all subject matter between the broader and the narrower language...the patentee should bear the burden of showing that the amendment does not surrender the particular equivalent in question.” *Id.*, at 1842, 62 USPQ2d at 1713. Thus, whenever possible, the examiner should make the record clear by providing explicit reasoning for making or withdrawing any rejection related to 35 U.S.C. 112, second paragraph.

2173.03 Inconsistency Between Claim *>and< Specification Disclosure or Prior Art [R-1] [R-1]

Although the terms of a claim may appear to be definite, inconsistency with the specification disclosure or prior art teachings may make an otherwise definite claim take on an unreasonable degree of uncertainty. *In re Cohn*, 438 F.2d 989, 169 USPQ 95 (CCPA 1971); *In re Hammack*, 427 F.2d 1378, 166 USPQ 204 (CCPA 1970). In *Cohn*, the claim was directed to a process of treating a surface with a corroding solution until the metallic appearance is supplanted by an “opaque” appearance. Noting that no claim may be read apart from and independent of the supporting disclosure on which it is based, the court found that the description, definitions and examples set forth in the specification relating to the appearance of the surface after treatment were inherently inconsistent and rendered the claim indefinite.

2173.04 Breadth Is Not Indefiniteness

Breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.

Undue breadth of the claim may be addressed under different statutory provisions, depending on the reasons for concluding that the claim is too broad. If the claim is too broad because it does not set forth that

which applicants regard as their invention as evidenced by statements outside of the application as filed, a rejection under 35 U.S.C. 112, second paragraph, would be appropriate. If the claim is too broad because it is not supported by the original description or by an enabling disclosure, a rejection under 35 U.S.C. 112, first paragraph, would be appropriate. If the claim is too broad because it reads on the prior art, a rejection under either 35 U.S.C. 102 or 103 would be appropriate.

2173.05 Specific Topics Related to Issues Under 35 U.S.C. 112, Second Paragraph [R-1]

The following sections are devoted to a discussion of specific topics where issues under 35 U.S.C. 112, second paragraph, have been addressed. These sections are not intended to be an exhaustive list of the issues that can arise under 35 U.S.C. 112, second paragraph, but are intended to provide guidance in areas that have been addressed with some frequency in recent examination practice. The court and Board decisions cited are representative. As with all appellate decisions, the results are largely dictated by the facts in each case. The use of the same language in a different context may justify a different result.

>See MPEP § 2181 for guidance in determining whether an applicant has complied with the requirements of 35 U.S.C. 112, second paragraph, when 35 U.S.C. 112, sixth paragraph, is invoked.<

2173.05(a) New Terminology [R-3]

I. THE MEANING OF EVERY TERM SHOULD BE APPARENT

The meaning of every term used in a claim should be apparent from the prior art or from the specification and drawings at the time the application is filed. Applicants need not confine themselves to the terminology used in the prior art, but are required to make clear and precise the terms that are used to define the invention whereby the metes and bounds of the claimed invention can be ascertained. During patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); *In re Prater*,

APPENDIX 3 RELATED PROCEEDINGS APPENDIX (37 C.F.R. §41.37 (c)(1)(x))

There are no related proceedings.